

**CHAPTER 84
GENERAL LICENSING PROVISIONS; AMUSEMENT MACHINES**

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SUBCHAPTER 1
GENERAL LICENSING PROVISIONS

84-3. Issuance and Transfer of License. Each license issued under this chapter shall contain the signature of the city clerk and shall be sealed with the corporate seal of the city. No license shall be issued until the person, firm or

corporation applying for the same shall satisfy the common council that he or she has in every manner complied with the ordinances pertaining to the issuance of such license, including the presentation to the city clerk of the city treasurer's receipt showing payment to the city of the license fee as is provided. No license issued pursuant hereto shall be assignable or inure to the benefit of any other than the person to whom such license was originally issued, except as may otherwise be provided, but such license may be transferred from one premises to another upon proper application made to the common council, and the transfer shall be endorsed, after proper action by the common council, upon the original license by the city clerk.

84-4. Revocation of Licenses. The judge of the county court may at his discretion revoke and annul any license issued under this chapter upon the conviction of any person licensed hereunder of any crime or of the violation of any city ordinance which in the opinion of said judge should necessitate such revocation. It shall be the duty of the clerk of the county and municipal courts to notify the city clerk of the revocation of such license. Any license issued under this chapter may be also revoked by the common council in its discretion for any improper conduct of the person so licensed; except that the mayor shall have the power to revoke the licenses of circuses, carnivals, parades, theatrical or operatic performances.

84-5. Discrimination by License Holders.

1. DISCRIMINATION PROHIBITION. No holder of any of the following licenses, permits or franchises issued by the city may willfully refuse services or add charges or require deposits not required of the general public under such licenses, permits or franchises because of sex, race, religion, color, national origin or ancestry, age, handicap, lawful source of income, marital status, sexual orientation, familial status or the fact that a person is a member of the military service, whether dressed in uniform or not:

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- a. Amusement machine distributor.
- b. Amusement premises.
- d. Auto wrecker.
- e. Bill poster.
- f. Class "A" liquor.
- fg. Class "B" tavern.
- g. Class "B" malt.
- h. Class "D" bartender.
- j. Dance studio.
- kg. Escort.
- jr. Escort service.
- k. Filling station operator.
- L. Home improvement contractor.
- Lm. Hotel and motel.
- m. Junk dealer.
- n. Luxury limousine, shuttle, handicapped-elderly transporter and horse and surrey vehicle service.
- ng. Massage establishment.
- nm. Massage therapist.
- o. Phonograph distributor.
- p. Phonograph premises.
- q. Pool-billiard hall.
- r. Private waste collector.
- s. Professional photographer.
- sm. Restaurant.
- t. Secondhand dealer.
- u. Public passenger vehicle driver.
- um. Twenty-four-hour establishment.
- v. Used car dealer.
- w. Videogame center.

2. DECLARATION REQUIRED. All applications submitted by persons seeking the licenses, permits or franchises listed in sub. 1 shall contain the following declaration: I _____ (name of applicant) shall not willfully refuse to provide those services offered under this license, permit or franchise, or add charges or required deposits not required of the general public because of race, color, sex, religion, national origin or ancestry, age, handicap, lawful source of income, marital status, sexual orientation, familial status or the fact that a person is a member of the military service, whether dressed in uniform or not.

3. PENALTY. Any person, firm or corporation who shall willfully violate or fail to comply with this section shall be punished by a fine not exceeding \$500 and in default of payment thereof, by imprisonment in the house of correction for a period not exceeding 20 days.

84-7. Twenty-four-hour Establishments.

1. FINDINGS. The common council finds that certain businesses, when open in the early morning hours, have a tendency to become attractive nuisances, generating noise, congregations of people, traffic congestion and litter, and may provide an environment in which other offenses can occur. Moreover, it is the experience of the city of Milwaukee that these businesses - convenience stores, filling stations, personal service establishments and restaurants - when open between the hours of 12 a.m. and 5 a.m., if unregulated, threaten to place an inordinate burden on the public safety resources of the city and its taxpayers. This section is enacted pursuant to the common council's authority to provide for the health, safety and welfare of the residents of the city of Milwaukee.

2. DEFINITIONS. In this section:

a. "Convenience store" shall have the meaning set forth in s. 68-4.3-1-a.

b. "Filling station" shall have the meaning set forth in s. 295-201-189.

c. "Personal service establishment" shall have the meaning set forth in s. 295-201-451, but, for the purposes of this section shall not include licensed massage establishments licensed pursuant to s. 75-21.

d. "Restaurant" shall have the meaning set forth in both s. 295-201-499 and 501. It shall not apply to the provision of room service by a hotel or to the preparation and service of food inside a hospital.

e. "24-hour establishment" shall mean any convenience store, filling station, personal service establishment or restaurant open at any time between the hours of 12 a.m. and 5 a.m.

3. LICENSE REQUIRED. No convenience store, filling station, personal service establishment or restaurant shall be open between the hours of 12 a.m. and 5 a.m. without first applying for and receiving a license as provided in this section.

4. EXEMPTIONS. This section shall not apply to premises holding class "B" alcohol beverage licenses during those hours during which class "B" premises may be open.

5. APPLICATION. a. Application for a 24-hour establishment license shall be filed with the city clerk on a form provided therefore. The application shall be signed by the applicant, if an individual, or by a duly authorized agent or officer of a corporation or limited liability corporation, and sworn to by the applicant.

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- b. The application shall require:
 - b-1. The name and home address of the applicant.
 - b-2. The name and address of the premise for which the license is to be granted, including the aldermanic district in which it is situated.
 - b-3. The name and home address of the person owning the premises for which the license is to be granted.
 - b-4. If the applicant is a corporation, the name of the corporation shall be set forth exactly as it is set forth in its articles of incorporation, together with the names and home address of each of its officers, directors and designated managers, if any. The application shall be verified by an officer of the corporation. If one or more of the officers is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate officers.
 - b-5. If the applicant is a partnership, the application shall set forth the name and home address of each of the partners, including limited partners, and the application shall be verified by each partner. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partners.
 - b-6. If the applicant is a club, association or other organization which is neither a corporation or partnership, the application shall set forth the exact name of the entity together with the names and home addresses of all officers and be verified by an officer of the club, association or organization.
 - b-7. All convictions, including ordinance violations exclusive of traffic violations, with a brief statement of the nature of the convictions and the jurisdiction in which the conviction occurred.
 - b-8. The date of birth of the applicant.
 - b-9. Whether the applicant has prior to the date of application been licensed to conduct a 24-hour establishment in this city and the location of such establishment, if any.
 - b-10. A completed plan of operation on a form provided therefore by the city clerk. The plan of operation shall require:
 - b-10-a. The planned hours of operation for the premises.

b-10-b. The number of patrons expected on a daily basis at the premises.

b-10-c. If the premises for which the license is sought is a restaurant, the legal capacity of the premises.

b-10-d. If the premises for which the license is sought is a personal service establishment or a restaurant, the number of off-street parking spaces available at the premises.

b-10-e. What plans, if any, the applicant has to provide security for the premises.

b-10-f. What plans, if any, the applicant has to insure the orderly appearance and operation of the premises with respect to litter and noise.

b-10-g. Any other licenses held by the applicant or attached to the premises.

b-11. Such other reasonable and pertinent information the common council or the proper licensing committee may from time to time require.

c. Post office box numbers shall not be acceptable for addresses required on applications for 24-hour establishment licenses.

d. All applicants shall be fingerprinted. If the applicant is a corporation, the agent shall be fingerprinted. If the applicant is a partnership, each partner shall be fingerprinted. This requirement shall not apply to a person already licensed by the city when that person is renewing the license. If a set of fingerprints is on file with the police department, an additional set shall not be required unless expressly requested by the police department for purposes of verification.

e. The building owner or applicant shall file with the license application a valid occupancy certificate issued by the commissioner of city development for the operation of the premises.

5.5 PROVISIONAL LICENSE.

a. Authority, Duration. Owners and operators of establishments operating between the hours of 12 a.m. and 5 a.m. on or before October 31, 2003, and who are unable to comply with the provisions of sub. 5-e may apply for a provisional 24-hour establishment license. A provisional 24-hour establishment

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license shall authorize a convenience store, filing station, personal service establishment or restaurant to remain open between the hours of 12 a.m. and 5 a.m. A provisional license shall expire 90 days after its issuance, when a regular 24-hour establishment license is issued to the holder or on the date on which the common council shall decide not to issue a 24-hour establishment license to the holder, whichever is sooner. A provisional license may not be renewed.

b. **Application.** Application for a provisional license shall be made to the city clerk pursuant to sub. 5. An applicant for a provisional license may only apply for the provisional license upon application for a regular 24-hour establishment license. Applicants shall be fingerprinted pursuant to sub. 5-d. All applications shall be referred to the chief of police for investigation. The chief of police shall report his or her findings to the city clerk. In addition, all applications shall be referred to the common council member representing the aldermanic district in which the premises for which the provisional license is sought is located.

c. **Issuance of License.** The city clerk may only issue a provisional 24-hour establishment license to an applicant meeting the following criteria:

c-1. The applicant applying for a provisional 24-hour establishment license has also applied for a 24-hour establishment license.

c-2. The police chief, pursuant to the chief's investigation under par. b, has filed no report summarizing the arrests and convictions of the applicant which could form a basis for denial.

c-3. There are no neighborhood objections to the issuance of the provisional license filed with the city clerk.

c-4. The applicant has provided the city clerk with a copy of a completed and paid application for an occupancy certificate for the premises for which the license is sought from the department of city development and, if relevant, a validated notice of appeal and application for review for the premises for which the license is sought from the board of zoning appeals.

***Note: 84-7-5.5 is null and void on and after November 1, 2004.**

6. CHANGES TO BE REPORTED.

A licensee shall notify the city clerk whenever there is a change in any information that is reported in the application form or renewal application form. The licensee shall make this notification in writing within 5 days after the change occurs.

7. **FEE.** All applications shall be accompanied by the fee specified in s. 81-129.7.

8. **QUALIFICATIONS.** No 24-hour establishment license shall be granted to any persons or agents of corporations or limited liability corporations who are not 18 years of age or older and residents of the state of Wisconsin.

9. DISQUALIFICATION.

a. Whenever an applicant for a new 24-hour establishment license has had his or her application denied for a reason relating to the fitness of the location of the premises to be licensed, no other application for a 24-hour establishment license for such location shall be recommended for approval by the licensing committee within 2 years of the date of the denial unless the applicant has demonstrated a change of circumstances since the prior denial. Before the committee considers any such application, the applicant shall file with the city clerk a written statement setting forth the change in circumstances relating to the fitness of the location of the proposed licensed premises since the prior denial. In considering whether changed circumstances exist, the committee shall consider, among other factors:

a-1. A change in the type of license sought by an applicant.

a-2. A change in the number of licensed 24-hour establishments in the neighborhood.

a-3. A change in zoning applicable to the subject property.

a-4. New developments of land uses in the vicinity of the subject property.

b. Whenever an application accompanied by a written statement of changed circumstances is filed, the committee shall hold a hearing to determine if changed circumstances exist. At the hearing, testimony shall be limited to that of the applicant and the

applicant's attorney with respect to demonstration of a change in circumstances. If the committee determines that the applicant has failed to demonstrate that a sufficient change in circumstances exists to justify a new hearing on the merits, the committee shall recommend that the application be denied. If the committee determines that a sufficient change in circumstances has been demonstrated to justify a new hearing on the merits, the committee shall schedule a separate hearing on whether the application should be recommended for approval or denial.

10. ISSUANCE. a. Applications shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health who shall cause an investigation to be made and report their findings to the licensing committee. If no objection is filed to an application, the license shall be forwarded to the common council for approval. If an objection is filed to an application, the license shall be forwarded to the licensing committee for its recommendation as to whether or not each license should be issued.

b. If there is a possibility of denial, no hearing shall be heard unless the city clerk's office has provided written notice to the applicant. The notice shall be served upon the applicant so that the applicant has at least 3 days' notice of the hearing. The notice shall contain:

b-1. The date, time and place of the hearing.

b-2. A statement to the effect that the possibility of denial of the license application exists and the reasons for possible denial.

b-3. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for denial and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

b-4. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

c. If there is a possibility of denial, at the hearing the committee chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the applicant admits notice. The chair shall advise

the applicant that the applicant has an option to proceed with a due process hearing, represented by counsel, with all testimony both direct and cross-examination under oath, or that the applicant may simply make a statement to the committee.

d. A due process hearing shall be conducted in the following manner:

d-1. All witnesses will be sworn in.

d-2. The chair shall ask those opposed to the granting of the license to proceed first.

d-3. The applicant shall be permitted an opportunity to cross-examine.

d-4. After the conclusion of the opponent's testimony, the applicant shall be permitted to present the applicant's own witnesses, subject to cross-examination.

d-5. Committee members may ask questions of witnesses.

d-6. Both proponents and opponents shall be permitted a brief summary statement.

e. The recommendations of the committee regarding the applicant must be based on evidence presented at the hearing. Probative evidence concerning whether or not the license should be granted may be presented on the following subjects:

e-1. Whether or not the applicant meets the municipal requirements.

e-2. Whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the licensed activity.

e-3. The appropriateness of the location and premises to be licensed. Probative evidence relating to these matters may be taken from the plan of operations submitted pursuant to sub. 5-b-10.

e-4. Whether there is an over concentration of businesses licensed under this section in the neighborhood such that the concentration will have an adverse impact upon the public health, safety and welfare of the neighborhood. Among factors to be considered in terms of impact are litter, noise and traffic.

e-5. Any other factors which reasonably relate to the public health, safety and welfare.

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f. The committee may make a recommendation immediately following the hearing or at a later date. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

11. TRANSFER OF LICENSE OR CHANGE OF NAME. a. No license shall be transferable whether as to licensee or location except as herein provided.

b. Every license issued under this section may be transferred from one premises to another within the city, upon payment of the fees required in s. 81-129.7-2, but no licensee shall be entitled to more than one transfer in any one license year. The application and proceedings for such transfer shall be made in the same form and manner as the original application.

c. The city clerk is authorized to change the names on 24-hour establishment licenses in such instances as death in the family, marriages and divorces where the award is by court decree; and where such name change will not transfer the license outside the family.

d. In case of death of the licensee, the license may, in the discretion of the common council, be transferred to the executor, administrator or next of kin of the deceased licensee. In such event, the executor, administrator or next of kin of the deceased licensee shall report the death of the original licensee to the city clerk, together with the name and address of the person by whom such licensed business is to be conducted. The transfer of a license under such circumstances may be made only if it is approved by the common council and the new licensee is in full compliance with the provisions of this section. In the case of the death or withdrawal of one or more members of a partnership to which a license has been issued, the city clerk shall upon request permit the remaining partner or partners to operate the business for the remainder of the license year.

e. If a licensee becomes disabled, the common council may, in its discretion and upon application, transfer the license to the

licensee's spouse if that spouse may hold a license pursuant to this section and complies with all requirements of this section applicable to original applicants, except that the spouse is exempt from payment of the license fee.

f. If any licensee becomes bankrupt or makes an assignment for the benefit of creditors, the receiver or creditor may continue or sell said business. The transfer of a license under such circumstances may be made only if it is approved by the common council and the new licensee is in full compliance with the provisions of this section.

g. The transfer of stock in any corporate licensee shall be reported to the city clerk within 48 hours. The transfer of corporate stock shall not require the payment of any transfer of license fee.

12. RENEWAL. a. Procedure for Renewal. Applications for renewal shall be made to the city clerk. The clerk shall refer the application to the chief of police, the commissioner of neighborhood services and the commissioner of health for review. If all 3 indicate that the applicant still meets the licensing qualifications, the application shall be referred to the common council for approval unless a written objection has been filed with the city clerk at least 45 days prior to the date on which the license expires. This objection may be filed by any interested person. If a written objection is filed, or if a determination is made that the applicant no longer meets the licensing qualifications, the application shall be forwarded to the licensing committee for its recommendation to the common council.

b. Procedure for Non-Renewal.

b-1. If there is a possibility that the committee will not renew a license, a motion should be entertained to hold the application in committee and instruct the city clerk to forward proper notice to the applicant, unless such proper notice has already been sent, in which case the hearing shall proceed.

b-2. Prior to the date set for the hearing, the city clerk's office shall forward notice to the applicant which shall contain:

b-2-a. The date, time and place of the hearing.

b-2-b. A statement of the common council's intention not to renew the license in the event any objections to renewal are found to be true.

b-2-c. A statement of the reasons for possible non-renewal.

b-2-d. A statement that an opportunity will be given to respond to and challenge such reasons for non-renewal and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

b-2-e. A statement that the applicant may be represented by counsel at the applicant's expense, if the applicant so wishes.

c. Hearings. All hearings held and committee recommendations prepared pursuant to this subsection shall be conducted as set forth in sub. 14.

d. Disqualification. Whenever any license is denied renewal, it shall be entered on the record by the city clerk and no 24-hour establishment license shall be granted to the same person for a period of 12 months following the date of non-renewal.

e. Surrender. When any license is surrendered in lieu of a pending non-renewal proceeding, no 24-hour establishment license shall be granted to the same person at that same location for a period of 12 months following the date of its surrender.

13. REVOCATION OF LICENSES.

a. Any license issued under this section may be revoked for cause by the common council after notice to the licensee and a hearing.

b. Revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police, the commissioner of health, the commissioner of neighborhood services or upon a sworn written complaint filed with the city clerk by any city resident.

c. Whenever either sworn written charges or a sworn written complaint are filed with the city clerk setting forth specific charges against a licensee involving conduct taking place between 12 a.m. and 5 a.m. which would violate ordinances that are grounds for revocation of a license, the city clerk shall issue notice to the licensee. The notice shall be served upon the licensee so that the licensee has at least 3 days' notice of the hearing. The notice shall contain:

c-1. The date, time and place of the hearing.

c-2. A statement to the effect that the possibility of revocation of the license exists and the reasons for possible revocation.

c-3. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for revocation and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

c-4. A statement that the licensee may be represented by counsel at the licensee's expense, if the licensee so wishes.

d. The licensing committee shall convene at the date and time designated in the notice for the purpose of taking evidence and making findings of fact and conclusions of law and a recommendation to the common council in connection with the proposed revocation.

e. If the licensee appears before the committee at the time designated in the notice and denies the charges contained in the complaint, an evidentiary hearing in connection with the revocation shall be conducted by the committee at that time. If the licensee does not appear, or appears but does not deny the charges contained in the complaint, the complaint shall be taken as true and the committee shall hear the arguments of the complaints and the licensee in connection with the revocation.

f. All hearings held and committee recommendations prepared pursuant to this subsection shall be conducted as set forth in sub 14.

14. HEARING PROCEDURE.

a. Authority of Licensing Committee. The licensing committee shall conduct hearings with respect to the non-renewal or revocation of a license pursuant to this subsection. The chair of the committee shall be the presiding officer.

b. Committee Hearing Procedure.

b-1. The chair shall direct that oaths be administered and subpoenas issued upon request of either side.

b-2. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this subsection.

b-3. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members.

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b-4. At all stages of the proceedings before the committee or before the common council, the licensee shall be entitled to appear both in person and by counsel.

c. Record. A stenographic record shall be made of all proceedings before the committee and before the common council when written exceptions have been filed. Any interested party may at any stage of the proceedings order a copy of the transcript of the record or portions thereof at his or her own expense.

d. Grounds for Non-Renewal or Revocation. The recommendation of the committee regarding the licensee shall be based on evidence presented at the hearing. Probative evidence concerning non-renewal or revocation may include evidence of:

d-1. Failure of the licensee to meet the municipal qualifications.

d-2. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, by the licensee or by any employee of the licensee.

d-3. The licensed premise, between the hours of 12 a.m. and 5 a.m., having been the source of congregations of persons which have resulted in one or more of the following:

- d-3-a. Disturbance of the peace.
- d-3-b. Illegal drug activity.
- d-3-c. Public drunkenness.
- d-3-d. Drinking in public.
- d-3-e. Harassment of passers-by.
- d-3-f. Gambling.
- d-3-g. Prostitution.
- d-3-h. Sale of stolen goods.
- d-3-i. Public urination.
- d-3-j. Theft.
- d-3-k. Assaults.
- d-3-L. Battery.
- d-3-m. Acts of vandalism, including graffiti.
- d-3-n. Excessive littering.
- d-3-o. Loitering.
- d-3-p. Illegal parking.
- d-3-q. Loud noise at times when the licensed premise is open for business.
- d-3-r. Traffic violations.

d-3-s. Curfew violations.

d-3-t. Lewd conduct.

d-3-u. Display of materials harmful to minors, pursuant to s. 106-9.6.

d-3-v. Any other factor or factors which reasonably relate to the public health, safety and welfare.

e. Committee Report. The committee may make a recommendation immediately following the hearing or at a later date. The committee may recommend that the license be renewed, not renewed or revoked. All revocations shall be effective upon service of notice of the non-renewal or revocation upon the licensee or person in charge of the premises at the time of service.

f. Council Action.

f-1. Within 10 working days after it reaches a decision, the committee shall prepare and serve a report and recommendation on the licensee. The report and recommendations shall include specific findings of fact and conclusions of law made by the committee. The report shall be distributed to each member of the common council.

f-2. If the committee recommends that the license not be renewed or be revoked, then within 7 days of the receipt of the report and recommendation of the committee, the licensee may file written exceptions to the report and recommendations of the committee.

f-3. Any exceptions filed by the licensee to the report and recommendations of the committee shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the common council.

f-4. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendation. Not less than 5 days prior to the hearing before the common council, the city clerk shall notify the licensee and complainant by certified mail and also notify the city attorney that the common council will convene. Each member of the common council shall be asked to affirm that he or she has read the report and recommendation of the committee. When written exceptions are filed to a committee report and recommendation that the license be revoked or not renewed,

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each member of the common council shall be asked to affirm that he or she has read the exceptions. If members of the council have not read the recommendation and report of the committee and any exceptions that have been filed thereto, the chair shall allocate time for the member to do so. Oral argument in support of the report and recommendation presented by the city attorney, oral argument on behalf of the licensee in opposition to the report and recommendation and oral argument by the complainant objecting to the report and recommendation shall be permitted only at the discretion of the chair. If argument is permitted by the chair, argument shall be limited to 5 minutes and the arguments shall be limited to the subject matter of the report and recommendation and the written exceptions. Licensees shall appear only in person or by counsel. Complainants shall appear only in person or by counsel. Any person making an appearance before the council pursuant to this subsection and who requires the services of an interpreter shall obtain one at his or her own expense.

f-5. The common council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the committee. The vote shall be a roll call vote. If the common council finds the complaint to be true, or if there is no objection to a report recommending non-renewal or revocation with the committee's report and recommendation, the city clerk shall give notice of each non-renewal or revocation to the person whose license is not renewed or revoked. If the common council finds the complaint to be untrue, the proceedings shall be dismissed without cost to the accused. If the common council finds the complaint to be malicious and without probable cause, the cost shall be paid by the complainant upon invoice from the city.

15. REQUEST TO SURRENDER A LICENSE. If a licensee wishes to surrender his or her license after receiving a notice for a hearing on non-renewal or revocation, the licensee must request, in writing, permission from the licensing committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.

16. PENALTY. a. Any person who violates any of the provisions of this section shall, upon conviction, be subject to a forfeiture of not more than \$1,000 and, in default thereof, shall be imprisoned in the house of corrections for a period not to exceed 40 days.

b. Citations may be issued for all violations of this section with or without prior notice. The stipulation, forfeiture and court appearance set forth in s. 50-25 shall apply.

**Note: All 24-hour establishments as defined in s. 84-7-2 as created in s. 84-7 in operation as of October 31, 2003 shall apply for a 24-hour establishment license no later than March 1, 2004 and shall comply with s. 84-7 no later than May 1, 2004.*

84-10. Bill Posting Business License.

1. DEFINITION. A "bill posting business" shall mean any person, firm or corporation engaged in the business of outdoor advertising for a cash consideration by placing, posting or painting on billboards, ground or roof signs, displays, or on the walls of buildings to advertise goods or products to announce coming events, attractions or contests.

2. LICENSE; WHEN REQUIRED. a. It shall be unlawful for any person, firm or corporation to engage in the business of bill posting without having first secured a license therefor.

b. This section shall not be held to apply to the posting of a sign or notices by the order of any court or by any public officer in the performance of his duties or by any political campaign organization working to insure the election of a nominee or the success of a political issue by securing some definite result in an election.

3. LICENSING. a. Application. Applications for a bill posting business license shall be made to the city clerk upon forms provided for such purpose by the city clerk. Each application for a license shall state:

a-1. The name and address of the applicant.

a-2. The trade name and address of the business to be licensed.

a-3. Such other reasonable and pertinent information as the city clerk may from time to time require.

b. Issuance; Terms.

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b-1. The city clerk shall issue a license to the applicant if the requirements of this section have been complied with upon the payment of a fee.

b-2. See ch. 81 for the required license fee.

b-3. No license shall be granted to a person who has had a bill posting business license revoked during the previous 12 months.

4. REGULATIONS. a. In all instances a permit must be obtained from the department of city development for the posting of each and every sign, except for the posting of posters within business establishments, as provided for in s. 244-2.

b. No person shall post or maintain any sign or advertisement on a billboard, building, or structure which does not fully comply with the regulations set forth in ch. 244.

c. It shall be unlawful to post any advertisement on any premises in the city without the consent of the owner of such premises.

d. It shall be unlawful for any person engaged in the bill posting business to permit any refuse resulting from this work to accumulate anywhere in the city except by placing it in properly established refuse receptacles.

5. LICENSE REVOCATION. The common council may revoke any license issued under this section for fraud, misrepresentation or false statement contained in the application for such license or in the course of conducting the business of bill posting, or any violation of this section.

6. PENALTY. Any person or firm violating this section shall upon conviction, forfeit not less than \$50 nor more than \$200, together with the costs of prosecution; and, in default of payment, shall be imprisoned in the house of correction or the county jail not to exceed 90 days, or until such forfeiture costs are paid.

84-20. Parking Lots or Places. 1. DEFINITIONS.

a. "Parking place" shall be construed to mean any garage or other building or any plot, piece or parcel of land in or upon which a business is conducted of storing motor vehicles where the owner or person storing such vehicle

is charged a fee, but excluding the renting of private garages or private parking space and parking places that have parking spaces for 15 cars or less.

b. "Person" shall be construed to mean any individual, partnership, firm, association or corporation.

2. LICENSE REQUIRED. No person shall conduct a business storing motor vehicles for hire in a parking place within the limits of the city without first having obtained a license therefor, except that no license shall be required for a parking place in a residential district and operating under a temporary conditional permit issued after a hearing by the board of appeals.

3. APPLICATION. Applications for licenses for parking places shall be made by the person or persons intending to conduct a business therein upon blanks to be furnished by the city clerk and in such form as he shall require under the provisions of this section. Such blanks shall be in substantially the following form:

a. The name and address of the applicant; and if a nonresident of the city, the name and address of a local representative inside the county limits upon whom service can be made under the provisions of this section or of summons or other processes issued by any court.

b. The location and description of the specific premises to be licensed.

c. Such other information as may be necessary to carry into effect the provisions of this section.

d. The applications shall be verified under oath by the applicant or his duly authorized agent.

4. ISSUANCE OF LICENSES. a. The city clerk is authorized and directed to issue a license for the operation of parking places upon the filing of a properly executed application and presenting a city treasurer's receipt for the payment to the city of the required license fee.

b. A license shall be obtained for each individual premises operated as a parking place or lot. Such licenses shall not be transferable.

5. FEE. See ch. 81 for the required license fee.

6. SIGNS POSTED. a. All owners, operators or maintainers of parking places shall post prominently, at the entrances thereof, signs bearing the names of the owners, operators or maintainers and designating the rates of charges for parking privileges. The rates shall be displayed before 8:00 a.m. and shall not be increased for 24 hours thereafter.

b. All signs posted after June 1, 1984, shall be a minimum size of 18 by 24 inches. The vertical height of the lettering for the rates shall be a minimum 3 inches, and the vertical height of other lettering shall be a minimum of 1.5 inches.

7. CLAIM CHECKS TO BE FURNISHED. At the time of accepting a motor vehicle for storing or parking in a parking place, the person conducting the same, his agent or employe, shall furnish to such person parking his motor vehicle a distinctive check which shall be numbered to correspond to a coupon placed upon such motor vehicle, which check shall contain the name and address of the place owning or operating such parking place. These provisions shall not apply where cars are stored on a weekly or monthly fee basis.

8. FINANCIAL RESPONSIBILITY. All owners, operators or maintainers of parking places shall satisfy all final judgments arising out of or because of the operation or maintenance of parking places, in favor of and obtained by patrons within 15 days after the entry of judgment and, in default of compliance with this section and such judgment, the license of the owner, operator or maintainer shall be suspended until the judgment has been satisfied of record and satisfactory evidence of the financial responsibility of the owner, operator or maintainer has been furnished to the city clerk. Satisfactory evidence shall consist of the furnishing of a \$2,000 bond, on condition that the owner, operator or maintainer of a parking place will pay all final judgments recovered by the bailor according to law for damages arising from the operation or care of motor vehicles in the parking place and for the loss, damage, theft or conversion of any motor vehicle, except for personal property left in a car. The city clerk shall cancel the license for the operation of any parking place upon failure of any owner, operator or maintainer of a parking place to comply with this subsection.

9. REVOCATION OF LICENSE. The common council may revoke any license if, upon a hearing and investigation after at least 10 days' written notice of the time and place of such hearing, it finds:

a. The licensee has knowingly made any false or materially incorrect statement in the application.

b. The licensee knowingly violates or knowingly permits or countenances the violation of any provision of this section.

c. The licensee knowingly violates or knowingly permits or countenances the violation of any provision of any penal law or ordinance regarding theft, larceny or conversion of a motor vehicle without the owner's consent.

10. BARRIERS. Persons operating parking places shall keep the same enclosed with a proper or suitable fence, wall or other barrier along streets upon which parking places front, so that motor vehicles cannot be removed from such place except at the regular established entrances and exits. Each licensee shall keep the sidewalk surrounding the parking places free from dirt, ice, sleet and snow, and shall keep the sidewalks in safe condition for the travel of pedestrians.

11. PARKED VEHICLES NOT TO BE USED WITHOUT AUTHORITY. It shall be unlawful to make any use for any purpose or purposes whatsoever of any motor vehicle parked on the premises of any parking place unless such use shall first be authorized by the owner or person having control of such vehicle.

12. VEHICLES NOT TO BE MOVED ONTO PUBLIC STREET. It shall be unlawful for any parking lot operator to park any motor vehicle, for which a fee has been charged, on the public highways or any location other than the parking lot under his control.

13. PARKING LOT EGRESS REQUIRED. a. Any person, firm or corporation offering parking service, whether licensed or not, upon any premises within the city shall provide for the egress or removal from said premises within 30 minutes of notification by the owner or operator of any vehicle for which a fee for parking has been paid.

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b. Such person, firm or corporation offering parking for a fee shall post and maintain in a conspicuous place on the parking premises the name, address, and phone number of a party who shall be available at all times parking service is offered to serve as agent for notification under par. a.

14. PENALTY. Any person, firm or corporation violating this section shall be subject to a fine of not less than \$10 nor more than \$100, or in default of payment thereof to imprisonment in the county jail or house of correction, Milwaukee county, for not less than 10 days nor more than 30 days.

15. FRAUD OF PARKING LOT OPERATORS. a. Payment of Fees. It shall be unlawful for a parking lot patron to remove his car from a parking lot without paying any due parking fees.

b. Posting of Ordinance. The owner or operator of every parking lot shall post or cause to be posted a copy of this section, or a summary thereof, in a conspicuous place within said parking lot.

c. Penalty. Any person violating par. a shall be punished by a fine of not less than \$50 nor more than \$500 and in default of payment thereof shall be imprisoned in the county jail or house of correction for a period not to exceed 60 days.

d. Exception. These provisions [pars. a and c] shall not apply if the operators of the parking lot have not met the provisions of sub. 13-b.

84-33. Professional Photographer. 1. LICENSE REQUIRED. No person, firm or corporation shall engage in the business of professional photography without first having obtained a license therefor.

2. DEFINITIONS. The words "professional photography" as used in this section are defined to be the business engaged in for profit by any person, firm or corporation (either as principal or agent) of taking, soliciting, coloring, finishing, processing, enlarging or selling finished still, motion picture or electronically recorded photographs but shall not include any business in which the foregoing is merely incidental to or a part of any other type of business such as a publishing or advertising business, nor shall such definition include street photographers, the development and processing

of negatives taken by others, nor shall it include coin-operated photo machines, nor shall it include the business of photography carried on solely for commercial purposes and known only as commercial photographers.

3. CONTENTS OF APPLICATION. Each application for a license shall state:

a. Name and address of applicant and, if a corporation or an association, the names and addresses of all the officers and of one or more persons whom such corporations or associations shall designate as the manager or person in charge.

b. The address and location of the premises where the business will be carried on.

c. A photograph of the applicant if an individual and of the manager or person in charge if a corporation or association.

e. Such other reasonable and pertinent information as the common council or the license committee may from time to time require.

4. INVESTIGATION TO BE MADE.

Whenever any applicant for a license shall have complied with all the conditions and regulations relative to the filing of his application, it shall be the duty of the city clerk to forward said application to the common council at any regular or special meeting. Such application shall be referred to the utilities and licenses committee of said common council. The said committee shall refer all applications to the chief of police and to the commissioner of neighborhood services, each of whom shall cause an investigation and a report thereof to be made to the committee. The said utilities and licenses committee shall report on each application to the common council, together with its recommendations. The common council by a majority vote of the members present may authorize or deny the license at any regular meeting or special meeting. Upon approval of the commissioner of neighborhood services, the common council may authorize the transfer of a license from one location to another.

5. LICENSE FEE; TERMS. a. A license shall be obtained by the applicant for each place of business operated.

b. See ch. 81 for the required license fee.

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6. PLACING OF LICENSE IN CONSPICUOUS PLACE. Every such license shall while the same is in force be posted in a conspicuous place at or near the principal entrance to the premises for which it is issued so that the same may be easily seen and read by any person passing in or out of such entrance.

7. BUSINESSES LOCATED OUTSIDE OF THE CITY LIMITS. Every person, firm or corporation whose place of business is located outside of the limits of the city and who shall conduct any part of his business within the city shall be required to obtain a license in accordance with this section, except that no investigation and report by the commissioner of neighborhood services shall be required. Such applicant shall, however, have an established place of business. In lieu of posting such license in a conspicuous place on the premises, it shall be carried on the person of the individual while engaged in carrying on such business within the city. For such licensees, the city clerk shall issue a form of license that can be conveniently carried on the person.

8. REVOCATION OF LICENSES. The common council shall have power and authority to revoke for cause any license granted according to this section whenever in its judgment the good order and welfare of the city will be promoted thereby.

9. PENALTY. Any person who shall violate this section shall upon conviction therefor forfeit to the city a penalty of not more than \$500 for each offense together with the costs of prosecution, and in default of payment thereof shall be imprisoned in the county jail or house of correction of Milwaukee county for not more than 60 days.

84-34. Street Photographer. 1. LICENSE REQUIRED. No person shall carry on the business of street or highway photographer unless he shall have obtained a license from the city clerk under this section. See ch. 81 for the required license fee.

2. DEFINITION. A "highway photographer" shall be defined as any person who takes pictures, photographs or snapshots by any process whatsoever for the purpose of offering for sale to any person a copy of the picture so taken for a consideration in any form. The passing out of written, printed, typewritten or mimeographed matter or the giving of any information orally concerning the means by which a copy of the picture so taken

may be obtained is defined to be an offer to furnish a copy of the picture taken for a consideration. This definition shall not be deemed to include the taking of a picture solely for personal use or for the purpose of reproducing it in a book, newspaper, magazine or periodical. Nor shall this definition be deemed to include the sale of any book, newspaper, magazine or periodical containing any such picture.

4. REGULATIONS. In addition to other grounds of revocation contained in this chapter, the following shall also be grounds for revocation of said street or highway photographer's license:

a. Littering the street or highway with cards, circulars or literature or any other paper or material.

b. Failure to include on any literature, card, circular or paper passed out, the name and bona fide permanent street address within the city of the licensee.

c. Failure to carry the license card and to wear the badge with photograph of photographer plainly displayed on the badge, which license card and badge in suitable form shall be issued to each licensee by the city clerk.

5. DISABLED VETERANS. Any ex-soldier of the United States in any war who has 25% disability or more or has a cardiac disability recognized by the United States veterans bureau shall have upon presenting proof to the city clerk that he satisfies such conditions be granted a special license without payment of any fee.

84-40. Shows or Exhibitions. 1. FINDINGS.

a. The common council finds that various shows and exhibitions can be a source of noise, litter, large and unruly congregations of people, traffic and parking congestion that adversely affects the health, safety and welfare of the people of the city of Milwaukee. This section is established pursuant to the responsibility of the common council to legislate and license for the protection of the health, safety and welfare of the people of the city of Milwaukee and to ameliorate these undesirable secondary effects that can result from these operations.

2. DEFINITIONS. In this section:

a. "Licensing committee" means the standing committee of the common council which is assigned jurisdiction over licensing matters.

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b. "Person" means any individual, firm, corporation, limited liability corporation, company, partnership or association acting in a fiduciary capacity.

c. "Shows or exhibitions" includes any of the following provided for a fee: plays, skits, musical revues, children's theater, dance productions, public dance, musical concerts, opera and the production or provision of sights or sounds or visual or auditory sensations which are designed to or may divert, entertain or otherwise appeal to members of the public who are admitted to a place of entertainment, which is produced by any means, including radio, phonograph, television, video reproduction, tape recorder, piano, orchestra or band or any other musical instrument, slide or movie projector, spotlights, or interruptible or flashing light devices and decoration.

3. LICENSE OR PERMIT REQUIRED. No person may conduct or operate within the city any show or exhibition without first securing either an annual license or a one-time permit therefor.

4. EXEMPTIONS. This section does not apply to: a. Shows or exhibitions held in taverns, if a tavern also holds a tavern amusement or theater license, permanent theaters or any establishment holding a theater license issued pursuant to s. 83-1.

b. Any public show or exhibition conducted exclusively by charitable, eleemosynary, educational or religious organizations on their own premises.

5. APPLICATION. a. Application for a show or exhibition license or permit shall be filed with the city clerk on a form provided therefor. The application shall be signed by the applicant, if an individual, or by a duly authorized agent or officer of a corporation or limited liability corporation, and sworn to by the applicant.

b. The application shall require:

b-1. The name and permanent address of the applicant.

b-2. The name and address of the premise for which the license or permit is to be granted, including the aldermanic district in which it is situated.

b-3. If the applicant is a corporation, the name of the corporation shall be set forth exactly as it is set forth in its articles of incorporation, together with the names and

address of each of its officers, directors and designated managers, if any; the application shall be verified by an officer of the corporation.

b-4. If the applicant is a partnership, the application shall set forth the name and resident address of each of the partners, including limited partners, and the application shall be verified by each partner. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partners.

b-5. If the applicant is a club, association or other organization which is neither a corporation or partnership, the application shall set forth the exact name of the entity together with the names and resident addresses of all officers and be verified by an officer of the club, association, or organization.

b-6. All convictions, including ordinance violations exclusive of traffic violations, with a brief statement of the nature of the convictions and the jurisdiction in which the conviction occurred.

b-7. The date of birth of the applicant.

b-8. A completed plan of operation on a form provided therefor by the city clerk. The plan of operation shall require:

b-8-a. The planned hours of operation for the premises.

b-8-b. The number of patrons expected on a daily basis at the premises.

b-8-c. The legal occupancy limit of the premises.

b-8-d. The number of off-street parking spaces available at the premises.

b-8-e. Whether or not the shows or exhibitions held at the premises will make use of sound amplification equipment and, if so, what kind.

b-8-f. What plans, if any, the applicant has to provide security for the premises.

b-8-g. What plans, if any, the applicant has to insure the orderly appearance and operation of the premises with respect to litter and noise.

b-8-h. Any other licenses held by the applicant or attached to the premises.

b-9. Such other reasonable and pertinent information the common council or the proper licensing committee may from time to time require.

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c. All applicants shall be fingerprinted. If the applicant is a corporation, the agent and all the officers and directors as well as the stockholders owning 20% or more of the stock of the corporation shall be fingerprinted. If the applicant is a partnership, each partner shall be fingerprinted. The requirement that an applicant be fingerprinted shall not apply to a person already permitted by the city when that person is renewing a license. The fingerprinting requirement shall not apply to the officers and directors of nonprofit corporations which apply for a license or permit, except that the fingerprinting requirement shall apply to the agents of these corporations.

6. ISSUANCE. a. Applications shall be referred to the chief of police, the commissioner of neighborhood services and the commissioner of health, all of whom shall cause an investigation to be made and report their findings to the licensing committee.

b. The licensing committee shall hold a hearing on whether or not to issue each new license or permit. If there is a possibility of denial, no hearing shall be heard unless the city clerk's office has provided written notice to the applicant. The notice shall be served upon the applicant so that the applicant has at least 3 days' notice of the hearing. The notice shall contain:

b-1. The date, time and place of the hearing.

b-2. A statement to the effect that the possibility of denial of the license or permit application exists and the reasons for possible denial.

b-3. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for denial and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

b-4. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

c. If there is a possibility of denial, at the hearing the committee chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the applicant admits notice. The chair shall advise the applicant that the applicant has an option to proceed with a due process hearing, represented by counsel, with all testimony both

direct and cross-examination under oath, or that the applicant may simply make a statement to the committee.

d. A due process hearing shall be conducted in the following manner:

d-1. All witnesses will be sworn in.

d-2. The chair shall ask those opposed to the granting of the license or permit to proceed first.

d-3. The applicant shall be permitted an opportunity to cross-examine.

d-4. After the conclusion of the opponent's testimony, the applicant shall be permitted to present the applicant's own witnesses, subject to cross-examination.

d-5. Committee members may ask questions of witnesses.

d-6. Both proponents and opponents shall be permitted a brief summary statement.

e. The recommendations of the committee regarding the applicant must be based on evidence presented at the hearing. Probative evidence concerning whether or not the license or permit should be granted may be presented on the following subjects:

e-1. Whether or not the applicant meets the municipal requirements.

e-2. The appropriateness of the location and premises where the show or exhibition is to be held and whether the location of the show or exhibition will create undesirable neighborhood problems. Probative evidence relating to these matters may be taken from the plan of operation submitted pursuant to sub. 5-b-8, but not the content of any message.

e-3. The applicant's record in operating similarly licensed premises.

e-4. Whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the permitted activity.

e-5. Any other factors which reasonably relate to the public health, safety and welfare.

f. The committee may make a recommendation immediately following the hearing or at a later date. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the common council for vote at the

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next meeting at which such matter will be considered.

7. SHOWS OR EXHIBITIONS PERMIT. a. The granting of a shows or exhibitions permit shall authorize the permit holder to operate one show or exhibition lasting no longer than 72 consecutive hours irrespective of the show or exhibition's schedule. This authority shall be contingent upon the permit holder also obtaining any other special privileges or licenses required for the conduct of a show or exhibition.

b. Application for a shows or exhibitions permit and the review of the permit application shall be conducted as set forth in subs. 5 and 6 save that application for a shows or exhibitions permit shall be made to the city clerk no less than 30 days prior to the date of granting by the common council.

c. If the common council grants the application for a shows or exhibitions permit, the city clerk shall issue an appropriate document to the applicant confirming that fact and specifying the date, period of time and specific location for which the permit shall be in effect. The document shall also contain any restrictions or conditions which the common council may place on approvals. The city clerk shall, within 24 hours after the issuance of the approving document, inform the chief of police of the date, place and event for which the permit was issued.

d. No person may receive more than 4 shows or exhibitions permits in a calendar year. No permit shall be issued to an applicant who has requested permission to hold a show or exhibition on a premises at which 4 shows or exhibitions have previously been held in the same calendar year. No permit shall be issued to an applicant who has requested permission to hold a show or exhibition on a premises at which a show or exhibition has been held less than 15 days prior to the date on which the show or exhibition for which the permit is sought is to be held.

8. DEPOSIT OF FEE; REFUND.

a. Prior to issuance of a license or permit, each applicant shall deposit with the city treasurer the full amount of the fee required in s. 81-106 for the license or permit applied for.

b. It shall be the duty of the city treasurer to accept the deposit, issue a receipt therefor, and cause a record to be kept thereof. When a license or permit is granted by the common council, it shall be the duty of the city treasurer to apply such deposit as full payment of the license or permit fee, upon receipt of certification thereof by the city clerk.

c. It shall be the duty of the city clerk to enter on all applications filed with him the amount deposited with the city treasurer, the date of the deposit and the number of the treasurer's receipt.

d. Upon the withdrawal or the common council's denial of a shows or exhibitions license application, the amount of \$50 of the application fee shall be retained by the city treasurer to defray the cost of investigation of facts and administration thereof. The remainder of the application fee and deposit on all applications denied by the common council shall be refunded by the city treasurer upon surrender of the deposit receipt certified by the city clerk, provided that the certified deposit receipt is surrendered no later than one year after the date of the license denial.

9. FEES. See s. 81-106 for the required fees and terms.

10. CHANGE IN PLAN OF OPERATION. If, after the license has been granted or issued, the licensee wishes to substantially deviate from the plan of operation as submitted with the original application, the licensee shall file a sworn, written request with the city clerk which states the nature of the change. No change shall take place until the request has been approved by the common council. The common council's approval shall be given only if it determines, in the manner set forth in par. 6-e-2, that the change is compatible with the normal activity of the neighborhood in which the premises is located.

11. CERTAIN COSTUMES PROHIBITED. a. No licensee or permittee, either personally or through his or her agent or employe, shall furnish entertainment or permit the performance of any act, stunt or dance by dancers, performers or entertainers, whether such dancers, performers or entertainers are employed by the licensee or permittee or through his or her agent or not, and no entertainer or employe shall furnish any entertainment or perform any act, stunt or

dance unless such dancers, performers or entertainers shall meet the following wearing apparel standards when performing or when present upon the premises:

a-1. That portion of every costume to be worn by dancers, performers or entertainers covered by this subsection and which relate to the breast or chest area and/or to the area of the sex organs and buttocks shall be of nontransparent material.

a-2. The top portion of the costume worn by a female dancer, performer or entertainer or a female impersonator shall be so conformed, fabricated and affixed to the body so as to keep the areola and the nipple of the breast completely covered at all times.

a-3. The lower portion of the costume worn by a female dancer, performer or entertainer, or a female impersonator shall encircle the body at the area of the sex organs and buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the sex organs, the pubic hair and the cleavage of the buttocks at all times. An animal fur piece or other device simulating the hair surrounding the pubic area shall not constitute compliance with the costume requirements of this sub. section.

a-4. The lower portion of the costume worn by a male dancer, performer or entertainer shall encircle the area of the sex organs and the buttocks. This portion of the costume shall be of such dimensions and so conformed, fabricated and affixed to the body so as to completely cover the pubic hair, sex organ and the cleavage of the buttocks at all times.

b. No licensee or permittee, either personally or through his agent or employee, shall permit any patron to participate in any act, stunt or dance in violation of this subsection.

c. The common council may revoke any license issued hereunder at any time for any violation of this subsection notice and hearing on such revocation shall be conducted in accordance with sub. 14.

12. RENEWAL OF LICENSES.

a. Procedure for Renewal. Applications for the renewal of a shows or

exhibitions license shall be made to the city clerk. The clerk shall refer the application for license renewal to the chief of police, the commissioner of neighborhood services and the commissioner of health for review. If the chief of police, the commissioner of neighborhood services and the commissioner of health indicate that the applicant still meets the licensing qualifications, the application shall be referred to the common council for approval unless a written objection has been filed with the city clerk at least 30 days prior to the date on which the license expires. This objection may be filed by any interested person. If a written objection is filed, or if a determination is made that the applicant no longer meets the licensing qualifications, the application shall be forwarded to the licensing committee for its recommendation to the common council.

b. Procedure for Non-Renewal.

b-1. If there is a possibility that the committee will not renew a license, a motion should be entertained to hold the application in committee and instruct the city clerk to forward proper notice to the applicant, unless such proper notice has already been sent, in which case the hearing shall proceed.

b-2. Prior to the date set for the hearing, the city clerk's office shall forward notice to the applicant which shall contain:

b-2-a. The date, time and place of the hearing.

b-2-b. A statement of the common council's intention not to renew the license or suspend the license in the event any objections to renewal are found to be true.

b-2-c. A statement of the reasons for non-renewal.

b-2-d. A statement that an opportunity will be given to respond to and challenge such reasons for non-renewal and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

b-2-e. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

c. Hearings. All hearings held and committee recommendations prepared pursuant to this subsection shall be conducted as set forth in sub. 14.

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d. Disqualification. Whenever any license is denied renewal, it shall be entered on the record by the city clerk and no shows or exhibitions license shall be granted to the same person for that location for a period of 12 months following the date of non-renewal.

e. Surrender. When any license is surrendered in lieu of a pending non-renewal proceeding, no other shows or exhibitions license shall be granted to the same person for a period of 12 months following the date of its surrender.

13. REVOCATION OR SUSPENSION OF LICENSES. a. Any license issued under this section may be suspended or revoked for cause by the common council after notice to the licensee and a hearing.

b. Suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police or upon a sworn written complaint filed with the city clerk by any city resident.

c. Whenever either sworn written charges or a sworn written complaint are filed with the city clerk setting forth specific charges against a licensee involving conduct which would violate ordinances that are grounds for revocation or suspension of a license, the city clerk shall issue notice to the licensee of the licensing committee's intention to hear the matter. The notice shall be served upon the licensee so that the licensee has at least 10 working days' notice of the hearing. The notice shall contain:

c-1. The date, time and place of the hearing.

c-2. A statement to the effect that the possibility of suspension or revocation of the license exists and the reasons for possible revocation or suspension.

c-3. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for revocation or suspension and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

c-4. A statement that the licensee may be represented by an attorney of the licensee's choice at the licensee's expense, if the licensee so wishes.

d. The licensing committee shall convene at the date and time designated in the notice for the purpose of taking evidence and making findings of fact and conclusions of law and a recommendation to the common council in connection with the proposed revocation or suspension.

e. If the licensee appears before the committee at the time designated in the notice and denies the charges contained in the complaint, an evidentiary hearing in connection with the revocation or suspension shall be conducted by the committee at that time. If the licensee does not appear, or appears but does not deny the charges contained in the complaint, the complaint shall be taken as true and the committee shall hear the arguments of the complaints and the licensee in connection with the revocation or suspension.

f. All hearings held and committee recommendations prepared pursuant to this subsection shall be conducted as set forth in sub 14.

14. HEARING PROCEDURE.

a. Authority of Licensing Committee. The licensing committee shall conduct hearings with respect to the non-renewal, suspension or revocation of a shows or exhibitions license pursuant to this subsection. The chair of the licensing committee shall be the presiding officer.

b. Committee Hearing Procedure.

b-1. The chair shall direct that oaths be administered and subpoenas issued upon request of either side.

b-2. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this subsection.

b-3. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members.

b-4. At all stages of the proceedings before the committee or before the common council, the licensee shall be entitled to appear both in person and by an attorney.

c. Record. A stenographic record shall be made of all proceedings before the committee and before the common council

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when written exceptions have been filed. Any interested party may at any stage of the proceedings order a copy of the transcript of the record or portions thereof at his or her own expense.

d. Grounds for Non-Renewal, Suspension or Revocation. The recommendation of the committee regarding the licensee must be based on evidence presented at the hearing. Probative evidence concerning non-renewal, suspension or revocation may include evidence of:

d-1. Failure of the licensee to meet the municipal qualifications.

d-2. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the particular licensed activity, by the licensee, his or her employees, or patrons.

d-3. Failure to abide by conditions imposed by the common council pursuant to sub. 7-c.

d-4. Neighborhood problems due to management or location.

d-5. Any other factor or factors which reasonably relate to the public health, safety and welfare or which demonstrate that the establishment has generated the undesirable secondary effects set forth in sub. 1.

e. Committee Report. The committee may make a recommendation immediately following the hearing or at a later date. The committee may recommend that the license be renewed, not renewed or revoked. In addition, if the committee determines that circumstances warrant it, the committee may recommend that the license be renewed conditioned upon a suspension of the license for a defined period of time. When the committee elects to recommend that a license be renewed with a period of suspension, the license may be suspended for not less than 10 days and no longer than 90 days. All non-renewals, suspensions and revocations shall be effective upon service of notice of the non-renewal, suspension or revocation upon the licensee or person in charge of the premises at the time of service.

f. Council Action.

f-1. Within 10 working days after it reaches a decision, the committee shall prepare and serve a report and recommendation on the licensee. The report and recommendations shall include specific findings of fact and conclusions of law made by the committee. The report shall be distributed to each member of the common council.

f-2. If the committee recommends that the license not be renewed, be revoked or suspended, then within 7 days of the receipt of the report and recommendation of the committee, the licensee may file written exceptions to the report and recommendations of the committee.

f-3. Any exceptions filed by the licensee to the report and recommendations of the committee shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the full common council.

f-4. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendation. Not less than 5 days prior to the hearing before the common council, the city clerk shall notify the licensee and complainant by certified mail and also notify the city attorney that the common council will convene. Each member of the common council shall be asked to affirm that he or she has read the report and recommendation of the committee. When written exceptions are filed to a committee report and recommendation that the license be suspended or revoked or not renewed, each member of the common council shall be asked to affirm that he or she has read the exceptions. If members of the council have not read the recommendation and report of the committee and any exceptions that have been filed thereto, the chair shall allocate time for the members to do so. Oral argument in support of the report and recommendation presented by the city attorney, oral argument on behalf of the licensee in opposition to the report and recommendation and oral argument by the complainant objecting to the report and recommendation shall be permitted only at the discretion of the chair. If argument is permitted

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by the chair, argument shall be limited to 5 minutes and the arguments shall be limited to the subject matter of the report and recommendation and the written exceptions. Licensees shall appear only in person or by counsel. Corporate licensees shall appear only by the agent or by counsel. Partnerships shall be represented only by a partner or by counsel. Limited liability companies shall be represented only by the agent or by counsel. Complainants shall appear only in person or by counsel. Any person making an appearance before the council pursuant to this subsection and who requires the services of an interpreter shall obtain one at his or her own expense.

f-5. The common council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the committee. The vote shall be a roll call vote. If the common council finds the complaint to be true, or if there is no objection to a report recommending non-renewal, suspension or revocation with the committee's report and recommendation, the city clerk shall give notice of each suspension or revocation to the person whose license is not renewed, suspended or revoked. If the common council finds the complaint to be untrue, the proceedings shall be dismissed without cost to the accused.

15. REQUEST TO SURRENDER A LICENSE. If a licensee wishes to surrender his or her license after receiving a notice for a hearing on non-renewal, revocation or suspension, the licensee must request, in writing, permission from the licensing committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.

16. ALTERATION TO PREMISES. Any alteration, change or addition resulting in expansion of a licensed premises shall be approved by the licensing committee prior to issuance of a license, pursuant to s. 200-24, by the department of city development. An applicant whose application has been denied by the committee may appeal the decision to the common council.

17. PENALTY. Any person convicted of violating this section shall be fined not less than \$500 nor more than \$2,000 for each violation, plus costs of prosecution, and, in default thereof, be imprisoned for a period not to exceed 80 days, or until forfeiture costs are paid.

84-41. Renting Roller Skates in the Public Way.

1. PURPOSE: LICENSE REQUIRED. It is determined and declared that the use of public premises for the specific public purposes to which such premises are intended is preeminent. It is further determined and declared that the rental of roller skates on such public premises interferes with their use for their intended purposes by impeding the flow of pedestrian and vehicular traffic and that no person shall rent or offer for rent roller skates on any public highway or sidewalk within the city unless licensed pursuant to this section.

2. APPLICATION. The application for a license to rent roller skates on public premises shall be made in writing on a form provided for such purpose by the city clerk and sworn to by the applicant. Such application shall contain the applicant's full name and post office address and whether such applicant is an individual, firm or corporation, and, if a partnership, the names of the partners together with their addresses shall be included, and the signature of the applicant or applicants.

3. ISSUANCE; FEES. The city clerk shall issue a license to the applicant if the requirements of this section have been complied with upon the payment to the city treasurer of the fee required in ch. 81.

4. LICENSE REGULATIONS.

a. Business on public premises shall only be conducted between the hours of 8 a.m. and 9 p.m.

b. No business shall be conducted within 300 feet of any residence district. Such distance shall be measured by the shortest route along the highway from the location whereon the licensee is conducting business to the nearest point of the residence district.

c. The licensee shall provide containers for the storage in a sanitary manner of all refuse generated by his business activities and his customers, and shall maintain the premises on which he conducts his activities in a clean and sanitary manner.

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d. The license shall be displayed in a conspicuous place within the vehicle at all times when engaged in business.

e. Any conveyance utilizing the rental of roller skates must be parked at least 75 feet from any intersection.

5. REVOCATION. Any license issued in accordance with this section may be suspended or revoked by the common council for fraud, misrepresentation or false statement contained in the license for such application; or for a licensee's conduct of business if such conduct has impeded the flow of pedestrian or vehicular traffic; or for any violation of city or state laws.

6. PENALTY. Any person convicted of violating this section shall be fined not less than \$50 nor more than \$250 for each violation plus costs or prosecution, and in default thereof be imprisoned in the house of correction of Milwaukee county for a period not to exceed 30 days. Each day's violation shall constitute a separate offense.

84-43. Cigarette and Tobacco License.

1. DEFINITIONS. In this section:

a. "Cigarette" means any roll of tobacco wrapped in paper or any substance other than tobacco.

b. "Tobacco products" means cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but "tobacco products" does not include cigarettes.

2. LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation in any manner, or upon any pretense, or by any device, directly or indirectly, to sell, exchange, barter, dispose of or give away, any cigarettes or tobacco products without first obtaining a license therefor.

3. LICENSE APPLICATION; ISSUANCE. An application for a license shall be filed in writing with the city clerk and require the name of the person, firm or corporation, the address of the premises where business is to be conducted and a statement by

the applicant indicating whether he or she intends to sell, exchange, barter, dispose of, or give away cigarettes or tobacco products over the counter, in a vending machine, or both. Every license shall name the licensee and the place wherein he or she is authorized to conduct such business. Each license shall be issued for a period of one year from the date of issuance unless sooner revoked for a violation of this section or other pertinent sections of the code.

4. PENALTY. Any person violating this section shall be fined not less than \$25 nor more than \$100 for the first offense or, in lieu of nonpayment or default of such fine, costs and disbursements, be imprisoned in the county jail or house of correction of Milwaukee county for a period of not more than 4 days; and for a second or subsequent offense not less than \$25 nor more than \$200 or, in lieu of nonpayment or default of such fine, costs and disbursements, be imprisoned in the county jail or house of correction of Milwaukee county for a period of not more than 8 days.

84-45. Filling Stations. 1. PURPOSE. In order to protect the health, safety and general welfare of the community and environment and prevent potential harm and nuisance that could result from the location and operation of filling stations, the common council enacts the following regulations.

2. DEFINITIONS. In this section:

a. "Commissioner" means the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties under this section have been delegated pursuant to a memorandum of understanding.

b. "Filling station" (gas station) means a place, building, pump or device maintained and used on private premises for the purpose of dispensing to the public gasoline or other fuels for use in motor vehicles of any kind.

3. LICENSE REQUIRED. No person, firm or corporation shall operate a filling station unless the person, firm or corporation possesses a valid license issued pursuant to this section. See s. 60-20 for the required fee.

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3.5. SECURITY CAMERA REQUIRED.

All filling stations open to customers on a 24-hour basis shall:

a. Install, maintain in proper working order and operate during all hours the store is open to customers a security camera which can produce a retrieval image on film or tape.

b. The camera shall be placed to provide a clear and identifiable full frame of the filmed individual's face, either entering, exiting or at the cash register. Hanging displays shall not obstruct views of the individual's face.

c. If a time-lapse videorecorder is operated, recorded images shall not be recorded at a slower speed than 24 hours.

d. Recorded tapes shall be kept for a minimum of 72 hours.

4. APPLICATION.

a. Filing. An application for a new license or for renewal of an existing license shall be filed in writing with the commissioner on an application form prepared and provided by the commissioner. The application shall be signed by the applicant, if an individual, or by a duly authorized agent or officer of a corporation, and sworn to by the applicant.

b. Application form. The application form shall state:

b-1. The name and permanent address of the applicant

b-2. The name and address of the filling station for which the license is to be granted, including the aldermanic district in which it is located.

b-3. If the applicant is a corporation, the name of the corporation shall be set forth exactly as it is set forth in its articles of incorporation, together with the names and addresses of each of its officers, directors and designated managers, if any, and the application shall be verified by any officer of the corporation.

b-4. If the applicant is a partnership, the application shall set forth the name and resident address of each of the partners, including limited partners, and the application shall be verified by each partner. If one or more of the partners is a corporation, the provisions of this subsection pertaining to a corporate applicant shall apply to the corporate partners.

b-5. The date of birth of each individual named in the application.

b-6. All convictions, including ordinance violations exclusive of traffic violations, with a brief statement of the nature of the convictions and the jurisdiction in which the conviction occurred. Such convictions shall be shown for each corporation, partnership and individual named in the application.

b-7. Such other reasonable and pertinent information that the common council or the utilities and licenses committee of the common council may from time to time require.

c. Investigation of application.

c-1. The commissioner shall investigate the provisions made for the handling, storage and disposal of automotive products and wastes on the premises and the sanitary conditions of the premises. The commissioner shall also investigate the fire safety conditions of the structure.

c-2. The commissioner shall furnish notice of each application to the department of neighborhood services, the health department and the common council member in whose district the filling station is located. The department of neighborhood services and the health department shall each designate a person within their respective departments who shall file a report with the commissioner indicating whether or not the department has objection to an application. Any department or common council member that objects to an applicant shall so notify the commissioner no later than 40 days before the expiration of an existing license and no later than 15 working days after the receipt of the notice of application for a new license.

5. PROCEDURE FOR ISSUING NEW OR RENEWAL LICENSE. The commissioner shall issue a license to each applicant for a new or renewal license who meets all the requirements unless there is an objection by the commissioner, a city department or official enumerated in sub. 4-c-2 or by a neighbor or other interested person.

6. PROCEDURE FOR DENIAL OF LICENSE. a. If there is an objection to an application for a new or renewal license, the commissioner shall so notify the city clerk. The utilities and licenses committee shall hold a hearing on whether or not to issue the license. Causes for denial of an application shall be those specified in sub. 7.

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b. The city clerk shall give each applicant at least 3 working days' notice of the date and time of the hearing and of the specific charges upon which the hearing will be conducted. The applicant shall have an opportunity to appear at the hearing, be represented by counsel, cross-examine witnesses who oppose the renewal of the license and present evidence in favor of renewal of the license.

c. At the conclusion of the hearing, the committee shall make a recommendation to the common council concerning issuance of a new or renewal license. The committee shall report its findings and recommendations to the common council in writing. The committee shall furnish each applicant with the committee's written findings and recommendations.

d. Where it is impractical for the utilities and licenses committee to hold an evidentiary hearing, the committee may employ a hearing officer for the purposes of taking testimony and rendering recommended findings of fact and conclusions of law to the committee. When such hearing officer is employed, he or she shall prepare written findings of fact and conclusions of law which shall be simultaneously transmitted to the utilities and licenses committee as well as the licensee, the licensee's agent, manager, operator or any other employee of the licensee and to the person bringing the complaint or objection. The chair of the utilities and licenses committee shall schedule a hearing on the receipt of the report of the hearing officer in not more than 30 days from receipt of the report of the hearing officer. Notice of the utilities and licenses committee hearing on the report shall be given to all parties. The utilities and licenses committee may take and reserve additional evidence at the time of said hearing. The utilities and licenses committee may accept or reject the report of the hearing officer and make any changes to the report which are warranted by the circumstances, the evidence presented and any arguments of the parties who appeared before the hearing officer and the committee. The utilities and licenses committee shall transmit its recommendation to the full common council for action.

e. Whenever the utilities and licenses committee recommends nonrenewal of an existing license, the applicant shall be given no less than 5 days notice of the date set for hearing by the common council.

f. At the meeting of the common council, the president shall allow oral argument by an applicant who, at least 2 days prior to the date of the meeting, has presented written objections to the recommendations of the utilities and licenses committee. The city attorney shall also be permitted to make a statement. Oral arguments shall be limited to 5 minutes on behalf of each party.

g. A roll call vote of the common council shall be taken as to whether the recommendation of the committee shall be accepted. The applicant shall be provided with written notice of the results of the common council vote.

h. All objections to renewal of a license shall be heard and acted upon by the common council before the expiration of the license.

7. CAUSES FOR COUNCIL DENIAL, REVOCATION OR SUSPENSION OF LICENSE. An application for a new or renewal filling station license may be denied, or any license issued under this section may be suspended or revoked, by the common council for any of the following causes:

a. Failure of the applicant or licensee to meet the statutory and municipal license qualifications.

b. A false or materially incorrect statement made by the applicant in his or her application.

c. Violation of any provision of this section by the applicant, licensee or any employee of the filling station.

d. The conviction of the applicant or licensee, his or her agent, manager, operator or any other employee for sale or possession with intent to sell any controlled substance or for any felony related to the licensed operation which, in the judgment of the common council, is pertinent to the license being applied for or renewed.

e. A showing that the applicant or licensee has violated any state law or city ordinance prohibiting the sale of tobacco products to underage persons.

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f. The violation of any of the excise laws of the state.

g. A showing that the licensed premises has been the source of congregations of persons which have resulted in one or more of the following:

- g-1. Disturbance of the peace.
- g-2. Illegal drug activity.
- g-3. Public drunkenness.
- g-4. Drinking in public.
- g-5. Harassment of passers-by.
- g-6. Gambling.
- g-7. Prostitution.
- g-8. Sale of stolen goods.
- g-9. Public urination.
- g-10. Theft.
- g-11. Assaults.
- g-12. Battery.
- g-13. Acts of vandalism, including graffiti.
- g-14. Excessive littering.
- g-15. Loitering.
- g-16. Illegal parking.
- g-17. Loud noise at times when the licensed operation is open for business.
- g-18. Traffic violations.
- g-19. Curfew violations.
- g-20. Lewd conduct.
- g-21. Display of materials harmful to minors, pursuant to s. 106-9.6.

8. POSTING. Each licensee shall post his or her license in a conspicuous place on the filling station premises.

9. CHANGES TO BE REPORTED. A licensee shall notify the commissioner whenever there is a change in any information that is reported in the application form or renewal application form. The licensee shall make this notification in writing within 5 days after the change occurs.

10. DISQUALIFICATION FOR LICENSE. a. Whenever any licensee is denied renewal, it shall be so entered on the record by the commissioner and no other filling station license shall be so granted to such person for that location within 12 months of the date of nonrenewal.

b. If the license renewal was denied for a reason relating to the fitness of the

location, no other filling station license shall be granted within 12 months from the date of the nonrenewal to any other applicant at that location.

c. When any license is surrendered in lieu of pending nonrenewal proceedings, no other filling station license shall be granted to such person within 12 months of the date of its surrender.

11. COMMENCEMENT OF SUSPENSION OR REVOCATION PROCEEDINGS. Suspension or revocation proceedings may be initiated by the utilities and licenses committee of the common council upon its own motion, upon sworn written charges made and filed with the commissioner by the chief of police or upon a sworn written complaint filed with the commissioner by any city resident.

12. PROCEDURES FOR REVOCATION OR SUSPENSION.

a. Complaint; Summons.

a-1. Whenever any person files either sworn written charges or a sworn written complaint with the commissioner setting forth specific charges against a licensee involving conduct which would violate statutes or ordinances that are grounds for revocation or suspension of a license, the city clerk shall issue a summons, as authorized by Wisconsin statutes, demanding that the licensee appear before the utilities and licenses committee of the common council, not less than 3 days nor more than 10 days from the date of issuance, to show cause why the license should not be revoked or suspended.

a-2. A police officer shall serve the summons upon a licensee in accordance with Wisconsin statutes, and shall also serve a copy of the complaint with a copy of this subsection upon the licensee.

b. Committee Hearing. b-1. Upon receipt of evidence that the summons has been served, the utilities and licenses committee of the common council shall convene at the date and time designated in the summons for the purpose of taking evidence and making findings of fact and conclusions of law and a recommendation to the common council in connection with the proposed revocation or suspension.

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b-2. If the licensee appears before the committee at the time designated in the summons and denies the charges contained in the complaint, an evidentiary hearing in connection with the revocation or suspension shall be conducted by the committee at that time. If the licensee does not appear, or appears but does not deny the charges contained in the complaint, the complaint shall be taken as true and the committee shall hear the arguments of the city attorney and the licensee in connection with the revocation or suspension.

b-3. At any evidentiary hearing required by this subsection, the city attorney shall first present evidence in support of the complaint. After the city attorney rests, the licensee shall present evidence in opposition to the complaint. Each may subpoena witnesses. All witnesses shall testify under oath and shall be subject to cross-examination under oath. At the close of the testimony, each shall be given a reasonable time to make arguments upon the evidence adduced at the hearing.

b-4. The chair of the utilities and licenses committee shall be the presiding officer. The chair shall direct that oaths be administered and subpoenas issued upon request of either side. The chair shall ensure that an orderly hearing is conducted in accordance with the requirements of this subsection. The chair shall rule on objections to the admissibility of evidence. Any ruling of the chair shall be final unless appealed to the committee, and the committee shall reverse such ruling only upon the vote of a majority of its members.

b-5. At all stages of the proceedings before the committee or before the common council, the licensee shall be entitled to appear both in person and by an attorney.

b-6. A stenographic record shall be made of all proceedings before the committee and before the common council when written exceptions have been filed. Any interested party may at any stage of the proceedings order a copy of the transcript of the record or portions thereof at his or her own expense.

c. Hearing Officer. Where it is impractical for the utilities and licenses committee to hold an evidentiary hearing, the

committee may employ a hearing officer for the purposes of taking testimony and rendering recommended findings of fact and conclusions of law to the committee. When such hearing officer is employed, he or she shall prepare written findings of fact and conclusions of law which shall be simultaneously transmitted to the utilities and licenses committee as well as the licensee, the licensee's agent, manager, operator or any other employee of the licensee and to the person bringing the complaint or charges. The chair of the utilities and licenses committee shall schedule a hearing on the receipt of the report of the hearing officer in not more than 30 days from receipt of the report of the hearing officer. Notice of the utilities and licenses committee hearing on the report shall be given to all parties. The utilities and licenses committee may take and reserve additional evidence at the time of said hearing. The utilities and licenses committee may accept or reject the report of the hearing officer and make any changes to the report which are warranted by the circumstances, the evidence presented and any arguments of the parties who appeared before the hearing officer and the committee. The utilities and licenses committee shall transmit its recommendation to the full common council for action.

d. Committee Report. d-1. Within 10 working days after it reaches a decision, the committee shall prepare and serve a report and recommendation on the licensee and transmit a copy thereof to the city attorney. The report and recommendations shall include specific findings of fact and conclusions of law made by the committee. The report shall be distributed to each member of the common council.

d-2. If the committee recommends that the license be revoked or suspended, then within 7 days of the receipt of the report and recommendation of the committee, the licensee shall file written exceptions, if any, to the report and recommendations of the committee.

d-3. Any exceptions filed by the licensee to the report and recommendations of the committee shall be provided to each member of the common council at least 24 hours before any vote on the question is scheduled before the common council.

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e. Council Action. e-1. At a meeting of the common council following the receipt of the report and recommendations of the committee, the common council shall consider the report and recommendation. Not less than 5 days prior to the hearing before the common council, the commissioner shall notify the licensee by certified mail and also notify the city attorney that the common council will convene. If written exceptions are filed, the hearing shall be at the time set for such proceedings by the council's rules. Each member of the common council shall be asked to affirm that he or she has read the report and recommendation of the committee. When written exceptions are filed to a committee report and recommendation that the license be suspended or revoked, each member of the common council shall be asked to affirm that he or she has read the exceptions. If members of the council have not read the recommendation and report of the committee and any exceptions that have been filed thereto, the chair shall allocate time for the members to do so. Oral argument in support of the report and recommendation presented by the city attorney and oral argument on behalf of the licensee in opposition to the report and recommendation shall be permitted only at the discretion of the chair. If such argument is permitted by the chair, each side shall be limited to 5 minutes and the arguments shall be limited to the subject matter of the report and recommendation and the written exceptions.

e-2. The common council shall determine by a majority vote of those in attendance and voting whether to adopt the recommendation of the committee. Such vote shall be a roll call vote. If the common council finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation with the committee's report and recommendation and in accordance with this section, the commissioner shall give notice of each suspension or revocation to the person whose license is suspended or revoked. If the common council finds the complaint to be untrue, the proceedings shall be dismissed without cost to the accused. If the common council finds the complaint to be malicious and without probable cause, the cost shall be paid by the complainant upon invoice from the city.

f. Effective Date of Suspension or Revocation. All suspensions and revocations shall be effective upon service of notice of the suspension or revocation upon the licensee or person in charge of the filling station at the time of service.

13. REQUEST TO SURRENDER A LICENSE. In the event that a licensee wishes to surrender his or her license after receiving a notice for a hearing on revocation or suspension, the licensee must request, in writing, permission from the utilities and licenses committee of the common council to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the suspension or revocation hearing.

14. DISQUALIFICATION FOR LICENSE. a. Whenever any license is revoked it shall be so entered of record by the commissioner and no other filling station license shall be granted to such person within 12 months of the date of its revocation nor shall any part of the money paid for any license so revoked be refunded.

b. No other filling station license shall be granted within 30 days from the date of the revocation of such license to any other person to operate a filling station on the premises operated by the licensee whose license has been so revoked.

c. When any license is surrendered in lieu of pending revocation or suspension proceedings, no other filling station license shall be granted to such person within 12 months of the date of its surrender nor shall any part of the money paid for any license that has been surrendered be refunded.

15. REPORT TO COMMISSIONER. Whenever the utilities and licenses committee of the common council makes a recommendation concerning the issuance, renewal, nonrenewal, revocation or suspension of a filling station license, the committee shall furnish a copy of its findings and recommendation to the commissioner. The city clerk shall furnish to the commissioner a copy of all actions taken by the common council concerning filling station licenses.

16. ENFORCEMENT, PENALTY

a. A person who violates any provision of this section or fails to comply with an order of the commissioner that was issued under this section or otherwise issued concerning the operation of a filling station shall be liable upon conviction to a Class J penalty under s. 61-16. Each day of a continued violation is a separate offense.

b. Citations may be issued for any violation of this section with or without prior order or notice. The stipulation, forfeiture and court procedure set forth in s. 50-25 shall apply.

84-48. Waste Tire Generators and Transporters. 1. DEFINITIONS. In this section:

a. "Commissioner" means the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties under this section have been delegated pursuant to a memorandum of understanding.

b. "Department" means the health department or any department to which health department functions or duties under this section have been delegated pursuant to a memorandum of understanding.

c. "Person" means any individual, firm, partnership, trustee, agent, association, corporation, company, governmental agency, club or organization of any kind.

d. "Tire disposer" means any person who, in compliance with all applicable state, federal and local laws, rules and regulations disposes of or converts tires to another purpose including, without limitation, any person who is engaged in any of the following activities:

d-1. Incinerating or disposing of tires as waste or fuel.

d-2. Reducing tires into basic components for oil, steel, carbon black, rubber, road paving or other marketable salvage materials by shredding, grinding, chemical treatment or other means.

d-3. Converting tires into other useful items such as, but not limited to, doormats, pads and shoe soles.

e. "Tire reprocessor" means any person who regrooves, recaps, retreads or otherwise remanufactures waste tires.

f. "Waste tire" means any tire which is worn (less than 2/32 inch tread depth anywhere along a major tread groove), defective, damaged (cut or snagged tread, exposed body cords, bumps, knots, bulges or separated sidewall) or is not fit for use upon a public way, or any new or used tire that is destined for a tire disposer or tire reprocessor.

g. "Waste tire generator" means any person who, in the course of normal business activities, generates or removes 25 or more waste tires per calendar year. This term includes, but is not limited to, the following:

g-1. Any person engaged in the sale and mounting of new, used or remanufactured automobile, truck and equipment tires who receives waste tires in the exchange process associated therewith.

g-2. Any person who requires or allows customers to take waste tires.

g-3. Fleet owners.

h. "Waste tire transporter" means any person who does any of the following:

h-1. Engages in the business of transporting waste tires on a public way.

h-2. At any one time transports more than 5 waste tires on a public way.

h-3. Transport waste tires for a waste tire generator, irrespective of the number of tires being transported.

2. LICENSE REQUIRED. a. No person shall operate a business within the city which generates or transports waste tires without having obtained a license as provided in this section. A license shall be required for each business location and each vehicle used to transport waste tires.

b. The requirements of this section do not apply to the following:

b-1. Vehicles containing 5 or fewer waste tires unless the transporter is hauling waste tires for a waste tire generator.

b-2. Vehicles which originate outside of the city and are designated for transport outside of the city, provided that no waste tires are loaded or unloaded within the city.

b-3. Fleet owners that take their vehicles to an outside tire vendor's facility for service. In such situations, the tire vendor shall be considered the waste tire generator.

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3. APPLICATION. a. Application for a waste tire generator or transporter license shall be made to the commissioner upon forms provided by the commissioner and shall state:

a-1. The name, address, telephone number and date of birth of the applicant. In the case of a corporation, the name, address, date and state of incorporation, state identification number and the name of the registered agent.

a-2. The name, address and telephone number of the business to be licensed. a - 3 .

A description of each vehicle which will be used to transport waste tires, including the vehicle manufacturer, gross weight, license number, vehicle identification number and registered owner.

a-4. The address within the city at which the records required in this section shall be kept.

a-5. Whether the applicant has had a license issued under this section denied, revoked or suspended within the last 3 years.

a-6. Such other reasonable and pertinent information as the commissioner may from time to time require.

b. The application shall be sworn to be true and correct by the applicant before an officer authorized to administer oaths.

c. A copy of the current state vehicle registration of each vehicle that will be used to transport waste tires shall be submitted with the application.

4. LICENSE ISSUANCE: TERMS.

a. The commissioner shall issue a license to the applicant, if the requirements of this section have been complied with, and upon the payment of a fee as specified in s. 60-84.

b. No license shall be granted to an applicant who has had a license issued under this section denied, revoked or suspended during the previous 3 years.

c. In addition to the license, the commissioner shall issue a tag, sticker, plate or decal to be attached to the vehicle in such place and manner as the commissioner may direct for each vehicle covered in this section.

d. Licenses and vehicle tags, stickers, plates and decals are not transferable to other business locations or vehicles and are personal to the licensee and cannot be transferred, sublet, leased, assigned, given away, loaned,

borrowed or sold under any circumstances.

5. REGULATIONS. a. No person may store or permit the storage of more than 24 waste tires upon any premises within the city unless the premises is a licensed waste tire generator.

b. No person who is not transporting tires for a waste tire generator may transport or cause or permit to be transferred upon any public way more than 5 waste tires unless that person is a licensed waste tire transporter. No person transporting tires for a waste tire generator may transport or cause or permit to be transferred upon any public way any number of waste tires unless that person is a licensed waste tire transporter. The licensee shall at all times use only those vehicles designated in the license and insure that each vehicle bears the tag, sticker, plate or decal issued for that vehicle.

c. Each waste tire generator shall maintain for 3 years all records and receipts relating to the number and destination of all waste tires handled by the business. The record for each consignment shall include the number of waste tires generated, name of the waste tire transporter, the date of pickup and the transporter's license number.

d. Each waste tire transporter shall maintain for 3 years all records and receipts relating to the source and destination of all waste tires handled by the business. The record for each consignment shall include the date of pickup, the number of waste tires, name and address of the waste tire generator, and the name, address and date of delivery of the waste tires to the waste tire disposer or reprocessor.

e. Each waste tire transporter shall submit to the department a semi-annual report of waste tire collections. The department shall determine what information is required in such reports and shall specify the date by which each semi-annual report shall be submitted.

f. Each waste tire located at a licensed waste tire generator business shall be permanently marked with "WTG" and the waste tire generator license number. This marking shall be done in a manner approved by the commissioner. Each tire shall be marked before it leaves the business premises, and all tires shall be marked not later than 5 working days after they are received at the business. The waste tire generator licensee is responsible for compliance with this requirement.

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g. No waste tire generator may knowingly dispose of any waste tires other than through a licensed waste tire transporter. No waste tire transporter may knowingly dispose of any waste tires other than to a tire disposer or tire reprocessor.

h. All tires shall be stored and secured in a manner approved by the commissioner to eliminate theft and potential nuisances of litter as described in ss. 79-11 and 79-12, rat harborage as described in s. 80-48, fly breeding as described in s. 80-31 and fire hazard as described in s. 214-9.

i. Waste tire generators and transporters shall prominently display their licenses at their place of business.

6. CHANGES TO BE REPORTED.

Each licensee shall advise the commissioner in writing within 30 days of any change regarding the licensee's operations as reflected in the application.

7. NUISANCE ABATEMENT.

a. Violations of this section or disposal of waste tires in violation of ss. 79-9 to 79-12 may be ordered corrected by the police department or department. If the property owner or licensee fails to comply with the order to correct the conditions which are in violation, the city may correct the conditions. The property owner or licensee, or both, shall be personally liable for any expenses to the city for correcting the conditions of the violation except for a licensee described in par. b.

b. A waste tire transporter or waste tire generator whose tires have been disposed of in violation of this section or ss. 79-9 to 79-12 shall not be personally liable under par. a if the transporter or generator did not know in advance about, participate in, or otherwise assist the illegal disposal and if the transporter or generator is properly licensed and otherwise in compliance with this section.

8. SUSPENSION OR REVOCATION OF LICENSE. a. The commissioner or the commissioner's duly authorized representative may suspend, revoke or deny issuance of any license upon a finding that:

a-1. The applicant made any false statement or materially incorrect statement in the application.

a-2. The applicant or employees of the licensed business violated any provision of this section.

b. Any person whose license under this section has been suspended, revoked or denied, upon written petition to the commissioner, shall be afforded a hearing before the environmental health review board within 10 days of such petition. The hearing shall be conducted by the environmental health review board, which shall serve as an appeal board for all petitions for the reinstatement of any license issued under this section which has been suspended or revoked and for the issuance of any license under this section whose issuance has been denied by the commissioner or the commissioner's duly authorized representative.

c. Based upon the record of a hearing held under par. b, the commissioner shall enforce the decisions of the environmental health review board. The commissioner shall furnish a written report of the hearing to the licensee or applicant.

9. PENALTY. a. Any person who violates any provision of this section or who fails to comply with an order of the commissioner as issued under this section or otherwise issued concerning operation as a waste tire generator or waste tire transporter shall, upon conviction, be liable to a Class J penalty as provided in s. 61-16.

b. Citations may be issued for any violations of this section, with or without prior notice. The stipulation, forfeiture and court procedure set forth in s. 50-25 shall apply.

84-49. Distribution of Newspapers, Publications, etc. in City Hall Complex.

1. PERMIT REQUIRED. No person, group, organization or other association may distribute newspapers, newsletters, magazines or other publications, which are published daily, weekly, biweekly, monthly or on other similar regular schedules, in the city hall complex, except in leased retail space, without obtaining a permit as required in this section. The city shall furnish rental boxes for such purpose. This section does not apply to a person, group, organization or association which has obtained a newspaper vending box special privilege permit under s. 115-33.5.

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2. APPLICATION. Any person desiring to distribute said materials shall file an application with the city clerk's office on a form supplied by the city clerk. The application shall contain the following information:

- a. The name, address and business telephone number of the applicant.
- b. The name, address and business telephone number of the person who will be responsible for the proper maintenance of the publications.
- c. Such other reasonable and pertinent information as the city clerk may require.

3. ISSUANCE. a. The city clerk shall issue a permit and assign a rental box to the applicant, if the requirements of this section have been complied with, upon the payment of a fee as specified in s. 81-102.2.

- b. Each applicant shall be limited to 2 rental boxes per each publication for distribution.

4. CHANGES TO BE REPORTED.
Each permittee shall advise the city clerk in writing within 5 days of any change regarding any information supplied on the application form, including discontinuance of use of a rental box, a change of address, telephone number, or business location of the permittee.

5. REGULATIONS. Any permittee issued a permit under this section shall ensure that the rental box is kept in a neat and orderly manner at all times and that publications are kept up-to-date. The city clerk may issue guidelines for the enforcement of this section. Any publications not maintained in accordance with this subsection, or placed in the city hall complex in violation of this section, may be removed by the city clerk.

6. REVOCATION. The city clerk may revoke any permit upon a finding that:

- a. The applicant made any false statement or materially incorrect statement in the application.
- b. The applicant or applicant's authorized representative failed to maintain rental boxes in a neat and orderly manner as required in this section.
- c. The applicant or applicant's authorized representative violated any provision of this section.

7. PENALTY. Any person violating this section shall, upon conviction, forfeit not less than \$50 nor more than \$250, and in default of payment shall be imprisoned not more than 10 days or until such forfeiture costs are paid.

**SUBCHAPTER 2
AMUSEMENT MACHINES**

84-50. Definitions. 1. AMUSEMENT MACHINE means any amusement device which is electronically placed in operation by the insertion of a coin, token or similar object for the purpose of amusement or skill and for the playing or operation of which a fee is charged. The term does not include pool tables or adult coin-operated moving picture machines (peep shows) which are licensed in ss. 87-1, 87-2 or 83-5 nor does the term include any coin-operated mechanical musical devices, such as juke boxes.

2. AMUSEMENT MACHINE DISTRIBUTOR means any person that leases, rents, or places with others one or more amusement machines for use or operation in the city.

3. AMUSEMENT MACHINE PREMISES LICENSE means the license for each premises where one, 2, 3, 4 or 5 amusement machines are used or played, or exhibited for use or play by the general public.

4. FIELD TRIP means any group excursions by minors sponsored by an educational or recreational organization for the purpose of firsthand observation, experience or school credit when the group is accompanied by a supervising adult who is a representative of the sponsoring organization.

5. OFFICER means the president, vice-president, secretary or treasurer, or their equivalents, of any corporation, association or other organization.

6. PERSON means any individual, partnership, firm, association, corporation or other legal entity.

7. PREMISES means any business establishment in or at which amusement machines are placed or kept for use or play by the public.

8. RESTAURANT means any building, room or place where meals or lunches are prepared or served to the general public; except that the term does not apply to churches, religious, fraternal, youth or patriotic organizations, service clubs or civic organizations which occasionally prepare, serve or sell meals or lunches to the general public.

9. TAG means the identification card attached to an amusement machine showing the amusement machine permit

number and the expiration date of the permit.

10. VIDEOGAME CENTER means any place of business in which 6 or more amusement machines are made available for use by the public.

84-52. Purpose. Sections 84-50 to 84-74 are enacted to protect the public welfare by licensing the distribution of amusement machines by regulating the playing of amusement machines by minors to diminish truancy from school as well as to prevent minors from being exposed to potentially unlawful activities. Furthermore, it is the intention of the common council to restrict the presence of minors in business establishments that have amusement machines and which are licensed to sell intoxicating liquor or fermented malt beverages.

84-54 Licenses and Permits Required.

1. VIDEOGAME CENTER LICENSE. a. No person shall operate a videogame center within the city without having first secured a videogame center license therefor.

b. A separate license shall be required for each stand, place, room or enclosure in which amusement machines are placed for use or play by the general public, except that only one license shall be required when a suite of rooms or enclosures are in direct connection or communication or contiguous to each other and operated by the licensee as one premises.

2. AMUSEMENT MACHINE DISTRIBUTOR LICENSE. No person shall engage in the business of amusement machine distributor within the city without having first secured a license therefor.

3. AMUSEMENT MACHINE PREMISES LICENSE. No person owning or operating any premises shall place on such premises 1, 2, 3, 4 or 5 amusement machines for the use of the general public without having first secured a license therefor.

4. AMUSEMENT MACHINE PERMIT (TAG). No person shall have an amusement machine on the business premises without having first secured an amusement machine identification tag from the city clerk and attached the tag to the machine.

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5. LICENSE, PERMIT, OR TAG ARE NONASSIGNABLE. No license issued under subch. 2 shall be used by any person other than the one to whom it was issued, unless it has been transferred by the city clerk pursuant to s. 84-64. No tag shall be attached to an amusement machine other than the one for which it was issued.

84-56. Qualifications. 1. AMUSEMENT MACHINE DISTRIBUTOR. a. Agent Not Eligible. No person shall apply for an amusement machine distributor's license acting as agent for, or in the employ of another, or for the use and benefit of another person, except when the applicant is a corporation. In such case, the corporation must appoint an agent and invest in the agent by properly authorized and executed written delegation full authority and control of the premises described in the application of the corporation and of the conduct of all business therein, as the licensee itself could in any way have and exercise if it were a natural person resident in this state.

b. Professional Character. An amusement machine distributor's license may be denied to any applicant who is not of good professional character, or who has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of being an amusement machine distributor. In this paragraph, "applicant" includes any individual or partner, and any officer, director or agent of any corporate applicant.

c. Residency. No amusement machine distributor's license shall be granted to any person or partner not a resident of this state for at least one year prior to the date of the filing of the application. In the case of a corporate applicant, a one year county residency requirement shall apply to the agent, and all officers and directors of the corporation must be residents of this state for at least one year prior to the date of the filing of the application.

2. VIDEOGAME CENTER. a. Corporations. No corporation shall be issued a license to operate a videogame center until the corporation has appointed an agent and vested in the agent by properly authorized and executed written delegation full authority and control of the premises described in the application of the corporation and of the

conduct of all business therein, as the licensee itself could in any way have and exercise if it were a natural person resident in this state.

b. Professional Character. A videogame center license may be denied to any applicant who is not of good professional character or who has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of being a videogame center operator. In this paragraph, "applicant" includes any individual or partner, and any officer, director or agent of any corporate applicant.

c. Residency. c-1. No videogame center license shall be granted to an individual, partnership or a corporate applicant, unless the individual applicant, each of the partners, or the corporate agent is a resident of this state, and has resided in the county of Milwaukee for at least one year prior to the date of the filing of the application.

c-2. This residency requirement shall not apply to any videogame center license applicant who is the holder of an amusement arcade license or an amusement premises permit on December 31, 1982, and who is applying for a videogame license to continue business at a specific location.

d. Location. d-1. No videogame center shall be located within 300 feet of a public or private elementary or secondary school, or within 1,000 feet of another videogame center; provided however that a videogame center may be within 1,000 feet of another center as long as one center also holds a Class "B" tavern license. The distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises in which the amusement machines or videogame center is located to the nearest property line of the public or private elementary or secondary school or videogame center. The location requirement shall not apply to any premises for which either an amusement arcade license or an amusement premises permit has been issued and is in effect on December 31, 1982.

d-2. A videogame center that is also licensed as a Class "B" premises must be in compliance with the location restriction required of all Class "B" premises in s. 90-14.

3. AMUSEMENT MACHINE PREMISES LICENSE. a. No person shall apply for an amusement machine premises license acting as an agent for, or in the employ of another, or for the use and benefit of another person, except in those instances when the applicant is a corporation. In such case, the corporation must appoint an agent and invest the agent by properly authorized and executed written delegation full authority and control of the premises described in the application of the corporation and of the conduct of all business therein, as the licensee itself could in any way have and exercise if it were a natural person resident in the state.

b. No amusement machine premises license shall be granted to an individual, partnership or corporate applicant, unless the individual applicant, each of the partners, or the corporate agent is a resident of this state, and has resided in the county of Milwaukee for at least one year prior to the date of the filing of the application. This residency requirement shall not apply to any amusement machine premises license applicant who is the holder of an amusement arcade license or an amusement premises permit on December 31, 1982, and who is applying for an amusement machine premises license to continue business at a specific location.

c. No amusement machine premises shall be located within 300 feet of a public or private elementary or secondary school. A Class "B" [refers to Class "B" alcohol beverage licenses - see definitions under s. 90-4-2, 3 and 6] amusement machine premises shall not be located within 300 feet of the main entrance of any church, school, playground or hospital. The location requirement shall not apply to any premises for which either an amusement arcade license or an amusement premises permit has been issued and is in effect on December 31, 1982.

d. An amusement premises license may be denied to any applicant who is not of good professional character or who has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the circumstances of being an amusement premises licensee. In this paragraph, "applicant" includes any individual or partner, and any officer, director or agent of any corporate applicant.

84-58. Application Procedures.

1. APPLICATION FORM.

a. Applications for licenses required under s. 84-54 shall be made in writing to and on forms furnished by the city clerk. The application shall be signed and sworn to by the applicant, if an individual, or by all the partners of a partnership, or by the president, secretary, and duly authorized agent of a corporation or other entity.

b. The application shall state:

b-1. The license being applied for.

b-2. The name and permanent address of the applicant.

b-3. If the applicant is a corporation, the name of the corporation exactly as it is set forth in its articles of incorporation, together with the names and addresses of all officers, directors and designated managers.

b-4. If the application is a partnership, the names and resident addresses of all partners, including limited partners. If any of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the partner which is a corporation.

b-5. If the applicant is a club, association or other organization which is neither a corporation nor a partnership, the exact name of the entity together with the names and residence addresses of all officers.

b-6. On applications for videogame center licenses or amusement machine premises licenses, the address of the premises where the licensed amusement machines are to be operated, with a brief description of the nature of the business carried on at the premises, the name and address of the owners of the premises, and the number of amusement machines to be located upon the premises.

b-7. If the application is for a videogame center or amusement machine premises license, whether the applicant has resided in Milwaukee county for at least one year prior to the date of filing the application. If the application is for a noncorporate amusement machine distributor license, whether the applicant has resided in this state for at least one year prior to the date of filing the application. If the applicant for an amusement machine distributor license is a corporation, whether the agent has resided in Milwaukee county for at least one year prior to

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the date of filing the application, and whether the officers and directors of such corporate applicant have resided in this state for at least one year prior to the date of filing the application.

b-8. All convictions, including ordinance violations exclusive of traffic violations, with a brief statement of the nature of the convictions and the jurisdiction in which the convictions occurred.

b-9. Such other reasonable and pertinent information the common council or the proper licensing committee of the common council may from time to time require.

2. FINGERPRINTING. a. All applicants for a videogame center license, an amusement machine premises license or an amusement distributor license shall be fingerprinted, unless the applicant currently holds a Class "B" retailers intoxicating liquor license, or a Class "B" retailers fermented malt beverage license, a Class "B" manager's license, or a Class "D" operator's license. If a set of fingerprints is on file with the police department, an additional set shall not be required unless expressly requested by the department for purposes of verification.

b. If the applicant for either a videogame center license or an amusement machine distributor license is a corporation or association, the agent and one of the principal officers who is not an agent shall be fingerprinted. If the applicant is a partnership, each partner shall be fingerprinted. If the applicant is an individual, the individual shall be fingerprinted. The manager of a videogame center shall be fingerprinted.

c. If there is a change of officer, agent, manager or partner by the licensee, the new agent, officer, manager or partner shall be fingerprinted within 10 days of such change.

3. PAYMENT OF FEE. Before filing an application with the city clerk, each applicant shall deposit with the city treasurer the full amount of the fee required in ch. 81 for the license applied for. No fee shall be required of any governmental agency applying for a license or permit under ss. subch. 2.

4. INVESTIGATION. a. All applications for videogame center licenses, amusement machine distributor licenses and original amusement machine premises licenses shall be referred to the chief of police and the commissioner of neighborhood services, both of

whom shall investigate and report their findings to the proper licensing committee of the common council. An investigation shall not be required for an applicant and premises for which a Class "B" retailer's intoxicating liquor license is currently in effect.

b. If the premises for which the videogame center license or an amusement machine premises license application is being made is a restaurant, the application shall also be referred to the commissioner of health for an investigation and report to the proper licensing committee of the common council.

84-60. Council Approval. 1. COMMITTEE ACTION. a. Whenever the application conforms in all respects to ss. 84-56 and 84-58, the city clerk shall submit the application together with the written reports from the required investigations to the common council for referral to the proper licensing committee.

b. After receiving and giving consideration to the reports of the chief of police, the commissioner of neighborhood services and the commissioner of health, the proper licensing committee shall report its findings and recommendation for the issuance or denial of the license to the common council.

2. COUNCIL ACTION. A majority vote of the common council members present shall authorize the issuance or denial of a license, but a 3/4 vote of the aldermen-elect shall be required to reverse any recommendation of the proper licensing committee of the common council as to whether a license shall be issued or denied.

84-62. Issuance by City Clerk. 1. LICENSE ISSUED. a. Whenever a videogame center license, amusement machine distributor license or an amusement machine premises license has been granted by the common council and the applicant has produced and filed with the city clerk a receipt showing payment of the fee required in ch. 81 to the city treasurer, the city clerk shall prepare and deliver to the applicant a license.

b. All amusement machine permits (tags) shall be issued by the city clerk upon completion of proper application and payment of the fee required in ch. 81.

2. LICENSE PERIOD: FEES. See ch. 81 for the required license and permit fees and the date of expiration.

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3. REPORT CHANGES. Whenever any fact set forth in the application pursuant to the requirements in s. 84-58-1-b changes, the licensee shall file a written notice of the change with the city clerk within 10 days.

84-64. Transfer of License; Replacement of Tags. 1. TRANSFER OF LICENSE. a. Except as provided in pars. b to d, videogame center, amusement machine distributor and amusement machine premises licenses may not be transferred from person to person nor from place to place.

b. Amusement machine premises licenses may be transferred when there is a change in location by the licensee upon proper application and approval by the common council and the payment of a fee, as provided for in ch. 81 for each license transferred.

c. If the licensee dies, a videogame center, amusement machine distributor or amusement machine premises license may be transferred to the personal representative or next of kin. In the case of a legal separation or divorce of the licensee and his or her spouse by court order, and pursuant to the court order, such license may be transferred to the spouse from whom the licensee is separated or divorced. In any such case, the personal representative, next of kin or spouse respectively may continue to operate under the existing license for a period not to exceed 60 days, during which time period the proper transfer application may be filed. Each such license transfer shall be made upon proper application of the spouse and approval by the common council, and payment of a fee for each such license transferred as provided in ch. 81.

d. If a videogame center or amusement machine premises licensee becomes bankrupt or makes an assignment for the benefit of creditors, the receiver or creditor may continue to sell said business. The transfer of a license under such circumstances may be made only if it is approved by the common council and the new licensee is in full compliance with ss. subch. 2.

e. The city clerk shall notify the police department and the proper licensing committee of the common council of any license transfer.

2. REPLACEMENT OF LOST OR STOLEN TAGS. If an amusement machine permit (tag) required by s. 84-54-4 is lost or stolen, the owner shall obtain a replacement tag from the city clerk.

84-66. Renewals. 1. APPLICATION. Application for the renewal of a current license shall be made to and upon forms furnished by the city clerk.

2. VIDEOGAME CENTER AND AMUSEMENT MACHINE DISTRIBUTOR LICENSES. a. The city clerk shall forward each application for renewal of a videogame center or amusement machine distributor license to the proper licensing committee of the common council for its recommendation to the common council, after reports from the police department, the commissioner of neighborhood services, and (whenever applicable) the commissioner of health as to whether the applicant still meets all of the licensing qualifications.

b. Whenever an objection to renewal has been filed with the city clerk, at least 7 days notice shall be given to all applicants for the renewal of any videogame center or amusement machine distributor license by the city clerk as to the place, date, and time of the hearing on the renewal by the proper licensing committee of the common council. Notice shall be made by mail or by personal service.

c. The police department may require fingerprints upon renewal of the amusement machine distributor license or the videogame center license for the purpose of application verification.

3. AMUSEMENT MACHINE PREMISES LICENSE. An amusement machine premises license may be renewed automatically upon the payment of the required license fee set forth in ch. 81, unless a written complaint against the licensee has been filed with the city clerk. In that event, the license shall not be granted until after a public hearing has been held by the proper licensing committee and the common council has authorized the issuance of such a license.

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84-68. Revocation. 1. CAUSES. Any license or permit issued under s. 84-62 may be revoked for cause by the common council after notice to the licensee and a hearing. Licenses and permits may be revoked for any of the following causes:

a. The making of any material false statement in any application for a license or permit.

b. The conviction of the licensee, his agent or employee, of any offense under the ordinances of the city of Milwaukee, or the statutes of the state of Wisconsin, the circumstances of which are substantially related to the licensed activity.

c. The licensed premises is being operated in a manner which has a substantial adverse impact upon the health, safety or welfare of the immediate neighborhood.

d. For any other reasonable cause which is in the best interests and good order of the city.

2. SURRENDER OF LICENSES AND PERMITS. a. Upon revocation of any license or permit, the license or permit shall be immediately surrendered by the licensee to the police department, to be returned to the city clerk with a certificate notifying the city clerk in writing of the name and address of the licensee or permittee, the numbers of the licenses or permits, and the basis for the revocation.

b. No licensee shall refuse to surrender the license or permit upon request following revocation by the common council. Each day of the refusal shall constitute a separate offense.

c. A reversal of a judgment of conviction upon appeal, and the filing of a certified copy of such judgment of appeal and reversal with the city clerk, by the chief of police or any interested party, shall operate as a reinstatement of the license or the permit (tag), and the city clerk shall thereupon return the license or permit surrendered pursuant to this subsection.

3. PROCEDURE. The procedures for the due process hearing and notice of license or permit revocation shall be the same as those set forth in s. 90-12-4 and 5 which governs the commencement of proceeding, notice and hearing and common council decision.

4. RENEWAL AFTER REVOCATION. No person whose license has been revoked may obtain another license for a period of one year from the date of revocation.

84-70. Display of License, Permit or Tag.

1. VIDEOGAME CENTER LICENSE; AMUSEMENT MACHINE DISTRIBUTOR LICENSE; AMUSEMENT MACHINE PREMISES LICENSE. Each such license shall be posted permanently in a conspicuous place on the licensed premises.

2. AMUSEMENT MACHINE PERMIT (TAG). Each amusement machine permit (tag) shall be securely fastened to each amusement machine in a conspicuous place so that it may be easily seen by a police officer.

3. LICENSEE'S IDENTIFICATION REQUIRED ON MACHINE. The amusement machine owner shall permanently affix in a conspicuous place on each machine licensed under ss. subch. 2, his or her name and either his or her address or telephone number and shall keep the same legible.

84-72. Business Restrictions. 1. HOURS OF OPERATION FOR YOUTH. a. Businesses Which Are Principally Videogame Centers. No licensee who operates a place of business in a videogame center shall allow a person under the age of 18 years to enter and remain on the premises of the videogame center at times when the person is required to be in regular school attendance.

b. Other Videogame Centers. When the videogame center is operated on the same premises as that of another business, and the videogame center is not the principal business therein, the videogame center licensee shall not allow any person under the age of 18 years to operate an amusement machine at times when the person is required to be in regular school attendance.

c. Amusement Machine Premises. No amusement machine premises permittee shall allow any person under the age of 18 years to operate an amusement machine at times when the person is required to be in regular school attendance.

d. Field Trip Exemption. The restriction in pars. a to c shall not apply to youths who are on a field trip to the videogame center or the amusement machine premises.

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e. Hotel and Motel Guest and Traveler Exemptions. The restrictions in pars. a to c shall not apply to minors who are staying with registered guests at hotels and motels, nor to travelers at an airport, train terminal or bus station.

2. LOITERING OF MINORS ON PREMISES PROHIBITED. No videogame center licensee or amusement machine premises licensee may allow minors to loiter on the premises in violation of s. 106-23-2.

3. RESTRICTION APPLICABLE TO PREMISES SERVING ALCOHOLIC BEVERAGES. When the bar is located in another place of business, such as a bowling alley, restaurant, hotel or motel, then the amusement machines which the licensee allows minors who are accompanied by their parents, guardians, or adult spouses to use cannot be located within 15 feet of the bar. This distance restriction may be waived if the amusement machines are separated from the bar by a wall that extends from the floor to the ceiling.

4. GAMBLING PROHIBITED. It shall be unlawful for any videogame center licensee or amusement machine premises licensee, or any person in charge of a videogame center or amusement machine premises, to allow any person to gamble on the premises.

5. DAMAGE TO MACHINES PROHIBITED. No person shall wilfully or maliciously remove, destroy, tamper, injure, mutilate or alter any amusement machine or its tag, or insert any slug, token, or counterfeit coin in any licensed amusement machine. (See also s. 110-1).

6. RESPONSIBLE PERSON IN CHARGE OF A VIDEOGAME CENTER. a. A responsible person shall be on duty and in charge of the videogame center at all times, unless the videogame center is located in another place of business, such as a tavern, bowling alley, restaurant, hotel, motel or airport.

b. When the videogame center is located within another place of business, the amusement machines shall be located where they are normally visible to the licensee or an authorized representative thereof who shall be responsible for supervising their use. Otherwise, separate full-time supervision or regular periodic inspection each day of the amusement

machines shall be required, which includes the capability to isolate the amusement machine area from public access when such supervision or inspection is not provided.

84-74. Penalty. Any person who violates ss. 84-50 to 84-72 shall forfeit not less than \$25 nor more than \$500 or, in default of payment thereof, be imprisoned in the county jail or house of correction of Milwaukee county for not more than 90 days for each offense, and a separate offense shall be regarded as committed each day the violation continues.

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**LEGISLATIVE HISTORY
CHAPTER 84**

Abbreviations:

am = amended
cr = created

ra = renumbered and amended
rc = repealed and recreated

rn = renumbered
rp = repealed

<u>Section</u>	<u>Action</u>	<u>File</u>	<u>Passed</u>	<u>Effective</u>
84-3	am	890828	9/19/89	10/7/89
84-5-1-0	rc	892540	10/16/90	1/2/91
84-5-1-c	rp	941146	11/29/94	3/1/95
84-4-1-fg	cr	010687	9/25/2001	10/12/2001
84-5-1-jg	cr	890442	4/9/90	4/27/90
84-5-1-jr	cr	890442	4/9/90	4/27/90
84-5-1-n	rc	901415	12/21/90	1/12/91
84-5-1-ng	cr	882074	3/7/89	3/25/89
84-5-1-nm	cr	882074	3/7/89	3/25/89
84-5-1-u	rc	901415	12/21/90	1/12/91
84-5-1-um	cr	030907	11/5/2003	11/22/2003
84-5-2	am	921114	11/20/92	12/11/92
84-5-3	rp	921114	11/20/92	12/11/92
84-5-4	rp	921114	11/20/92	12/11/92
84-5-5	ra to 84-5-3	921114	11/20/92	12/11/92
84-5-5-b-2-0	am	980963	12/18/98	1/1/99
84-7	cr	030511	10/14/2003	10/31/2003
84-7-2-d	am	031497	2/16/2004	2/21/2004
84-7-5-d	am	031620	3/24/2004	4/1/2004
84-7-5.5	cr	031497	2/16/2004	2/21/2004
84-7-16	rc	031497	2/16/2004	2/21/2004
84-10-4-a	am	951346	1/23/96	2/9/96
84-10-4-a	am	980963	12/18/98	1/1/99
84-20-8	am	891785	1/16/90	2/3/90
84-33-4	am	951346	1/23/96	2/9/96
84-33-4	am	980963	12/18/98	1/1/99
84-33-5-c	rp	941797	6/6/95	6/23/95
84-33-7	am	951346	1/23/96	2/9/96
84-33-7	am	980963	12/18/98	1/1/99
84-34-3	rp	021691	3/25/2003	4/11/2003
84-40	rc	020963	2/11/2003	2/15/2003
84-40-14-f-5	am	040631	9/21/2004	10/8/2004
84-43	rc	961523	2/11/97	2/28/97
84-43-2	am	871998	1/26/88	2/13/88
84-43-3	am	890828	9/1989	10/7/89
84-43-3	am	020238	6/4/2002	6/24/2002
84-45	rc	931861	4/26/94	5/13/94
84-45	rc	960167	7/30/96	8/16/96
84-45-2-a	rc	980963	12/18/98	1/1/99
84-45-3	am	961523	2/11/97	2/28/97
84-45-3.5	cr	971141	1/20/98	2/6/98
84-45-4-c-2	am	980963	12/18/98	1/1/99
84-45-5-c	am	890828	9/19/89	10/7/89

**84--(HISTORY) General Licensing Provisions;
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84-45-6-d	m to 84-45-6-e	981367	6/2/99	7/1/99
84-45-6-d	cr	981367	6/2/99	7/1/99
84-45-6-e	m to 84-45-6-f	981367	6/2/99	7/1/99
84-45-6-f	m to 84-45-6-g	981367	6/2/99	7/1/99
84-45-6-g	m to 84-45-6-h	981367	6/2/99	7/1/99
84-45-7	rc	981367	6/2/99	7/1/99
84-45-11	rp	981367	6/2/99	7/1/99
84-45-12	m to 84-45-11	981367	6/2/99	7/1/99
84-45-12-c	m to 84-45-12-d	981367	6/2/99	7/1/99
84-45-12-c	cr	981367	6/2/99	7/1/99
84-45-12-d	m to 84-45-12-e	981367	6/2/99	7/1/99
84-45-12-e	m to 84-45-12-f	981367	6/2/99	7/1/99
84-45-13	m to 84-45-12	981367	6/2/99	7/1/99
84-45-14	m to 84-45-13	981367	6/2/99	7/1/99
84-45-15	m to 84-45-14	981367	6/2/99	7/1/99
84-45-16	m to 84-45-15	981367	6/2/99	7/1/99
84-45-17	m to 84-45-16	981367	6/2/99	7/1/99
84-48	rc	950773	10/17/93	11/3/95
84-48-1-a	m to 84-48-1-c	980963	12/18/98	1/1/99
84-48-1-a	cr	980963	12/18/98	1/1/99
84-48-1-b	m to 84-48-1-d	980963	12/18/98	1/1/99
84-48-1-b	cr	980963	12/18/98	1/1/99
84-48-1-c	m to 84-48-1-e	980963	12/18/98	1/1/99
84-48-1-c	rc	001799	5/8/2001	5/28/2001
84-48-1-d	m to 84-48-1-f	980963	12/18/98	1/1/99
84-48-1-e	rc	882315	4/25/89	5/13/89
84-48-1-e	m to 84-48-1-g	980963	12/18/98	1/1/99
84-48-1-f	m to 84-48-1-h	980963	12/18/98	1/1/99
84-48-1-g	rc	001799	5/8/2001	5/25/2001
84-48-1-h	rc	001799	5/8/2001	5/25/2001
84-48-2-b-1	am	001799	5/8/2001	5/25/2001
84-48-2-b-3	cr	001799	5/8/2001	5/25/2001
84-48-3-a-0	am	930785	9/28/93	10/15/93
84-48-3-a-0	am	980963	12/18/98	1/1/99
84-48-3-a-1	rc	001799	5/8/2001	5/25/2001
84-48-3-a-6	am	930785	9/28/93	10/15/93
84-48-3-a-6	am	980963	12/18/98	1/1/99
84-48-3-c	rp	882315	4/25/89	5/13/89
84-48-4-a	am	930451	7/27/93	8/13/93
84-48-4-a	am	930785	9/28/93	10/15/93
84-48-4-a	am	980963	12/18/98	1/1/99
84-48-4-c	am	930785	9/28/93	10/15/93
84-48-5-a	am	001799	5/8/2001	5/25/2001
84-48-5-b	am	001799	5/8/2001	5/25/2001
84-48-5-c	am	001799	5/8/2001	5/25/2001
84-48-5-d	am	001799	5/8/2001	5/25/2001
84-48-5-e	am	980963	12/18/98	1/1/99
84-48-5-e	am	001799	5/8/2001	5/25/2001
84-48-5-f	am	001799	5/8/2001	5/25/2001
84-48-5-h	am	980963	12/18/98	1/1/99
84-48-5-h	am	001799	5/8/2001	5/25/2001

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84-48-5-i	cr	001799	5/8/2001	5/25/2001
84-48-6	am	930785	9/28/93	10/15/93
84-48-6	am	980963	12/18/98	1/1/99
84-48-6	am	001799	5/8/2001	5/25/2001
84-48-7	am	930785	9/28/93	10/15/93
84-48-7-a	am	980963	12/18/98	1/1/99
84-48-8-0	am	930785	9/28/93	10/15/93
84-48-8-a-0	am	930785	9/28/93	10/15/93
84-48-8-a-0	am	980963	12/18/98	1/1/99
84-48-8-a-3	cr	950101	5/16/95	6/3/95
84-48-8-b	am	930785	9/28/93	10/15/93
84-48-8-b	am	980963	12/18/98	1/1/99
84-48-8-c	am	980963	12/18/98	1/1/99
84-48-9	am	882315	4/25/89	5/13/89
84-48-9	rc	001799	5/8/2001	5/25/2001
84-49	cr	922012	7/14/95	7/29/95
84-56-2-d-1	am	001824	5/8/2001	5/25/2001
84-58-4-a	am	980963	12/18/98	1/1/99
84-60-1-b	am	980963	12/18/98	1/1/99
84-66-2-a	am	980963	12/18/98	1/1/99

**84--General Licensing Provisions
Amusement Machines**

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